

House File 649

H-1751

1 Amend the Senate amendment, H-1732, to House File
2 649, as amended, passed, and reprinted by the House, as
3 follows:

4 1. By striking page 1, line 1, through page 53,
5 line 18, and inserting:

6 <Amend House File 649, as amended, passed, and
7 reprinted by the House, as follows:

8 _____. By striking everything after the enacting
9 clause and inserting:

10 <DIVISION I

11 HEALTH AND HUMAN SERVICES

12 DEPARTMENT ON AGING — FY 2011-2012

13 Section 1. DEPARTMENT ON AGING. There is
14 appropriated from the general fund of the state to
15 the department on aging for the fiscal year beginning
16 July 1, 2011, and ending June 30, 2012, the following
17 amount, or so much thereof as is necessary, to be used
18 for the purposes designated:

19 For aging programs for the department on aging and
20 area agencies on aging to provide citizens of Iowa who
21 are 60 years of age and older with case management for
22 frail elders, Iowa's aging and disabilities resource
23 center, and other services which may include but are
24 not limited to adult day services, respite care, chore
25 services, information and assistance, and material aid,
26 for information and options counseling for persons with
27 disabilities who are 18 years of age or older, and
28 for salaries, support, administration, maintenance,
29 and miscellaneous purposes, and for not more than the
30 following full-time equivalent positions:

31 \$ 10,302,577
32 FTEs 35.00

33 1. Funds appropriated in this section may be used
34 to supplement federal funds under federal regulations.
35 To receive funds appropriated in this section, a local
36 area agency on aging shall match the funds with moneys
37 from other sources according to rules adopted by the
38 department. Funds appropriated in this section may be
39 used for elderly services not specifically enumerated
40 in this section only if approved by an area agency on
41 aging for provision of the service within the area.

42 2. The amount appropriated in this section includes
43 additional funding of \$450,000 for delivery of
44 long-term care services to older individuals with low
45 or moderate incomes.

46 3. Of the funds appropriated in this section,
47 \$179,946 shall be transferred to the department
48 of economic development for the Iowa commission on
49 volunteer services to be used for the retired and
50 senior volunteer program.

1 4. a. The department on aging shall establish and
2 enforce procedures relating to expenditure of state and
3 federal funds by area agencies on aging that require
4 compliance with both state and federal laws, rules, and
5 regulations, including but not limited to all of the
6 following:

7 (1) Requiring that expenditures are incurred only
8 for goods or services received or performed prior to
9 the end of the fiscal period designated for use of the
10 funds.

11 (2) Prohibiting prepayment for goods or services
12 not received or performed prior to the end of the
13 fiscal period designated for use of the funds.

14 (3) Prohibiting the prepayment for goods or
15 services not defined specifically by good or service,
16 time period, or recipient.

17 (4) Prohibiting the establishment of accounts from
18 which future goods or services which are not defined
19 specifically by good or service, time period, or
20 recipient, may be purchased.

21 b. The procedures shall provide that if any funds
22 are expended in a manner that is not in compliance with
23 the procedures and applicable federal and state laws,
24 rules, and regulations, and are subsequently subject
25 to repayment, the area agency on aging expending such
26 funds in contravention of such procedures, laws, rules
27 and regulations, not the state, shall be liable for
28 such repayment.

29 DIVISION II

30 HEALTH AND HUMAN SERVICES

31 DEPARTMENT OF PUBLIC HEALTH — FY 2011-2012

32 Sec. 2. DEPARTMENT OF PUBLIC HEALTH. There is
33 appropriated from the general fund of the state to
34 the department of public health for the fiscal year
35 beginning July 1, 2011, and ending June 30, 2012, the
36 following amounts, or so much thereof as is necessary,
37 to be used for the purposes designated:

38 1. ADDICTIVE DISORDERS

39 For reducing the prevalence of use of tobacco,
40 alcohol, and other drugs, and treating individuals
41 affected by addictive behaviors, including gambling,
42 and for not more than the following full-time
43 equivalent positions:

44 \$ 20,703,190
45 FTEs 13.00

46 a. (1) Of the funds appropriated in this
47 subsection 1, \$453,830 shall be transferred to the
48 alcoholic beverages division of the department of
49 commerce for enforcement of tobacco laws, regulations,
50 and ordinances in accordance with 2011 Iowa Acts, House

1 File 467, as enacted.

2 (2) Implementation of the tobacco use prevention
3 and control initiative for the fiscal year beginning
4 July 1, 2011, including efforts at the state and local
5 levels, as provided in chapter 142A, shall be limited
6 to the extent of the funding available.

7 b. Of the funds appropriated in this subsection
8 1, \$20,249,360 shall be used for problem gambling and
9 substance abuse prevention, treatment, and recovery
10 services, including a 24-hour helpline, public
11 information resources, professional training, and
12 program evaluation.

13 (1) Of the funds allocated in this paragraph
14 "b", \$17,132,508 shall be used for substance abuse
15 prevention and treatment.

16 (a) Of the funds allocated in this subparagraph
17 (1), \$899,300 shall be used for the public purpose of
18 a grant program to provide substance abuse prevention
19 programming for children.

20 (i) Of the funds allocated in this subparagraph
21 division (a), \$427,539 shall be used for grant funding
22 for organizations that provide programming for
23 children by utilizing mentors. Programs approved for
24 such grants shall be certified or will be certified
25 within six months of receiving the grant award by the
26 Iowa commission on volunteer services as utilizing
27 the standards for effective practice for mentoring
28 programs.

29 (ii) Of the funds allocated in this subparagraph
30 division (a), \$426,839 shall be used for grant
31 funding for organizations that provide programming
32 that includes youth development and leadership. The
33 programs shall also be recognized as being programs
34 that are scientifically based with evidence of their
35 effectiveness in reducing substance abuse in children.

36 (iii) The department of public health shall utilize
37 a request for proposals process to implement the grant
38 program.

39 (iv) All grant recipients shall participate in a
40 program evaluation as a requirement for receiving grant
41 funds.

42 (v) Of the funds allocated in this subparagraph
43 division (a), up to \$44,922 may be used to administer
44 substance abuse prevention grants and for program
45 evaluations.

46 (b) Of the funds allocated in this subparagraph
47 (1), \$273,062 shall be used for culturally competent
48 substance abuse treatment pilot projects.

49 (i) The department shall utilize the amount
50 allocated in this subparagraph division (b) for at

1 least three pilot projects to provide culturally
2 competent substance abuse treatment in various areas
3 of the state. Each pilot project shall target a
4 particular ethnic minority population. The populations
5 targeted shall include but are not limited to African
6 American, Asian, and Latino.

7 (ii) The pilot project requirements shall provide
8 for documentation or other means to ensure access
9 to the cultural competence approach used by a pilot
10 project so that such approach can be replicated and
11 improved upon in successor programs.

12 (2) Of the funds allocated in this paragraph "b",
13 up to \$3,116,852 may be used for problem gambling
14 prevention, treatment, and recovery services.

15 (a) Of the funds allocated in this subparagraph
16 (2), \$2,579,000 shall be used for problem gambling
17 prevention and treatment.

18 (b) Of the funds allocated in this subparagraph
19 (2), up to \$437,852 may be used for a 24-hour helpline,
20 public information resources, professional training,
21 and program evaluation.

22 (c) Of the funds allocated in this subparagraph
23 (2), up to \$100,000 may be used for the licensing of
24 problem gambling treatment programs.

25 (3) It is the intent of the general assembly that
26 from the moneys allocated in this paragraph "b",
27 persons with a dual diagnosis of substance abuse
28 and gambling addictions shall be given priority in
29 treatment services.

30 c. Notwithstanding any provision of law to the
31 contrary, to standardize the availability, delivery,
32 cost of delivery, and accountability of problem
33 gambling and substance abuse treatment services
34 statewide, the department shall continue implementation
35 of a process to create a system for delivery of
36 treatment services in accordance with the requirements
37 specified in 2008 Iowa Acts, chapter 1187, section
38 3, subsection 4. To ensure the system provides a
39 continuum of treatment services that best meets the
40 needs of Iowans, the problem gambling and substance
41 abuse treatment services in any area may be provided
42 either by a single agency or by separate agencies
43 submitting a joint proposal.

44 (1) The system for delivery of substance abuse
45 and problem gambling treatment shall include problem
46 gambling prevention by July 1, 2012. The department
47 shall submit a proposed legislative bill in accordance
48 with section 2.16, for consideration during the 2012
49 legislative session, addressing any statutory revisions
50 necessary for full implementation of the system.

1 (2) The system for delivery of substance abuse and
2 problem gambling treatment shall include substance
3 abuse prevention by July 1, 2014.

4 (3) Of the funds allocated in paragraph "b", the
5 department may use up to \$100,000 for administrative
6 costs to continue developing and implementing the
7 process in accordance with this paragraph "c".

8 d. The requirement of section 123.53, subsection
9 5, is met by the appropriations and allocations made
10 in the health and human services divisions of this Act
11 for purposes of substance abuse treatment and addictive
12 disorders for the fiscal year beginning July 1, 2011.

13 e. The department of public health shall work
14 with all other departments that fund substance
15 abuse prevention and treatment services and all
16 such departments shall, to the extent necessary,
17 collectively meet the state maintenance of effort
18 requirements for expenditures for substance abuse
19 services as required under the federal substance abuse
20 prevention and treatment block grant.

21 f. The department shall amend or otherwise
22 revise departmental policies and contract provisions
23 in order to eliminate free t-shirt distribution,
24 banner production, and other unnecessary promotional
25 expenditures.

26 2. HEALTHY CHILDREN AND FAMILIES

27 For promoting the optimum health status for
28 children, adolescents from birth through 21 years of
29 age, and families, and for not more than the following
30 full-time equivalent positions:

31 \$ 2,594,270
32 FTEs 10.00

33 a. Of the funds appropriated in this subsection,
34 not more than \$739,318 shall be used for the healthy
35 opportunities to experience success (HOPES)-healthy
36 families Iowa (HFI) program established pursuant to
37 section 135.106. The funding shall be distributed to
38 renew the grants that were provided to the grantees
39 that operated the program during the fiscal year ending
40 June 30, 2011.

41 b. Of the funds appropriated in this subsection,
42 \$329,885 shall be used to continue to address the
43 healthy mental development of children from birth
44 through five years of age through local evidence-based
45 strategies that engage both the public and private
46 sectors in promoting healthy development, prevention,
47 and treatment for children.

48 c. Of the funds appropriated in this subsection,
49 \$31,597 shall be distributed to a statewide dental
50 carrier to provide funds to continue the donated dental

1 services program patterned after the projects developed
2 by the dental lifeline network to provide dental
3 services to indigent elderly and disabled individuals.

4 d. Of the funds appropriated in this subsection,
5 \$112,677 shall be used for childhood obesity
6 prevention.

7 e. Of the funds appropriated in this subsection,
8 \$163,760 shall be used to provide audiological services
9 and hearing aids for children. The department may
10 enter into a contract to administer this paragraph.

11 3. CHRONIC CONDITIONS

12 For serving individuals identified as having chronic
13 conditions or special health care needs, and for not
14 more than the following full-time equivalent positions:

15	\$ 3,438,591
16	FTEs 4.00

17 a. Of the funds appropriated in this subsection,
18 \$160,582 shall be used for grants to individual
19 patients who have phenylketonuria (PKU) to assist with
20 the costs of necessary special foods.

21 b. Of the funds appropriated in this subsection,
22 \$483,600 is allocated for continuation of the contracts
23 for resource facilitator services in accordance with
24 section 135.22B, subsection 9, and for brain injury
25 training services and recruiting of service providers
26 to increase the capacity within this state to address
27 the needs of individuals with brain injuries and such
28 individuals' families.

29 c. Of the funds appropriated in this subsection,
30 \$468,874 shall be used as additional funding to
31 leverage federal funding through the federal Ryan
32 White Care Act, Tit. II, AIDS drug assistance program
33 supplemental drug treatment grants.

34 d. Of the funds appropriated in this subsection,
35 \$31,254 shall be used for the public purpose of
36 providing a grant to an existing national-affiliated
37 organization to provide education, client-centered
38 programs, and client and family support for people
39 living with epilepsy and their families.

40 e. Of the funds appropriated in this subsection,
41 \$12,500 shall be used for the purposes of the epilepsy
42 treatment and education task force as specified in 2011
43 Iowa Acts, House File 322, as enacted.

44 f. Of the funds appropriated in this subsection,
45 \$788,303 shall be used for child health specialty
46 clinics.

47 g. Of the funds appropriated in this subsection,
48 \$711,052 shall be used for the comprehensive cancer
49 control program to reduce the burden of cancer in
50 Iowa through prevention, early detection, effective

1 treatment, and ensuring quality of life. Of the funds
2 allocated in this lettered paragraph, \$363,987 shall
3 be used to support a melanoma research symposium,
4 a melanoma biorepository and registry, basic and
5 translational melanoma research, and clinical trials.

6 h. Of the funds appropriated in this subsection,
7 \$126,450 shall be used for cervical and colon cancer
8 screening.

9 i. Of the funds appropriated in this subsection,
10 \$421,782 shall be used for the center for congenital
11 and inherited disorders.

12 j. Of the funds appropriated in this subsection,
13 \$129,937 shall be used for the prescription drug
14 donation repository program created in chapter 135M.

15 4. COMMUNITY CAPACITY

16 For strengthening the health care delivery system at
17 the local level, and for not more than the following
18 full-time equivalent positions:

19 \$ 4,414,063
20 FTEs 14.00

21 a. Of the funds appropriated in this subsection,
22 \$100,000 is allocated for a child vision screening
23 program implemented through the university of Iowa
24 hospitals and clinics in collaboration with early
25 childhood Iowa areas.

26 b. Of the funds appropriated in this subsection,
27 \$111,308 is allocated for continuation of an initiative
28 implemented at the university of Iowa and \$100,493 is
29 allocated for continuation of an initiative at the
30 state mental health institute at Cherokee to expand
31 and improve the workforce engaged in mental health
32 treatment and services. The initiatives shall receive
33 input from the university of Iowa, the department of
34 human services, the department of public health, and
35 the mental health, mental retardation, developmental
36 disabilities, and brain injury commission to address
37 the focus of the initiatives.

38 c. Of the funds appropriated in this subsection,
39 \$1,171,491 shall be used for essential public health
40 services that promote healthy aging throughout the
41 lifespan, contracted through a formula for local boards
42 of health, to enhance health promotion and disease
43 prevention services.

44 d. Of the funds appropriated in this section,
45 \$121,817 shall be deposited in the governmental public
46 health system fund created in section 135A.8 to be used
47 for the purposes of the fund.

48 e. Of the funds appropriated in this subsection,
49 \$106,279 shall be used for the mental health
50 professional shortage area program implemented pursuant

1 to section 135.80.

2 f. Of the funds appropriated in this subsection,
3 \$38,263 shall be used for a grant to a statewide
4 association of psychologists that is affiliated
5 with the American psychological association to be
6 used for continuation of a program to rotate intern
7 psychologists in placements in urban and rural mental
8 health professional shortage areas, as defined in
9 section 135.80.

10 g. Of the funds appropriated in this subsection,
11 the following amounts shall be allocated to the Iowa
12 collaborative safety net provider network established
13 pursuant to section 135.153 to be used for the purposes
14 designated. The following amounts allocated under
15 this lettered paragraph shall be distributed to
16 the specified provider and shall not be reduced for
17 administrative or other costs prior to distribution:

18 (1) For distribution to the Iowa primary care
19 association for statewide coordination of the Iowa
20 collaborative safety net provider network:

21 \$ 116,597

22 (2) For distribution to the local boards of health
23 that provide direct services for pilot programs in
24 three counties to assist patients in determining an
25 appropriate medical home:

26 \$ 68,332

27 (3) For distribution to maternal and child health
28 centers for pilot programs in three counties to assist
29 patients in determining an appropriate medical home:

30 \$ 68,332

31 (4) For distribution to free clinics for necessary
32 infrastructure, statewide coordination, provider
33 recruitment, service delivery, and provision of
34 assistance to patients in determining an appropriate
35 medical home:

36 \$ 113,754

37 (5) For distribution to rural health clinics for
38 necessary infrastructure, statewide coordination,
39 provider recruitment, service delivery, and provision
40 of assistance to patients in determining an appropriate
41 medical home:

42 \$ 101,264

43 (6) For continuation of the safety net provider
44 patient access to specialty health care initiative as
45 described in 2007 Iowa Acts, chapter 218, section 109:

46 \$ 238,420

47 (7) For continuation of the pharmaceutical
48 infrastructure for safety net providers as described in
49 2007 Iowa Acts, chapter 218, section 108:

50 \$ 247,590

1 The Iowa collaborative safety net provider network
2 may continue to distribute funds allocated pursuant to
3 this lettered paragraph through existing contracts or
4 renewal of existing contracts.

5 h. (1) Of the funds appropriated in this
6 subsection, \$100,000 shall be used for continued
7 implementation of the recommendations of the direct
8 care worker task force established pursuant to 2005
9 Iowa Acts, chapter 88, based upon the report submitted
10 to the governor and the general assembly in December
11 2006. The department may use a portion of the funds
12 allocated in this lettered paragraph for an additional
13 position to assist in the continued implementation.

14 (2) The direct care worker advisory council
15 shall submit a final report no later than March 1,
16 2012, to the governor and the general assembly, in
17 accordance with 2010 Iowa Acts, chapter 1192, section
18 2, subsection 4, paragraph "h", subparagraph (3).

19 (3) The department of public health shall report
20 to the persons designated in the department of human
21 services division of this Act for FY 2011-2012 for
22 submission of reports regarding use of the funds
23 allocated in this lettered paragraph, on or before
24 January 15, 2012.

25 i. Of the funds appropriated in this subsection,
26 \$150,000 shall be used for allocation through a request
27 for proposals process to a statewide direct care worker
28 association for education, outreach, and mentoring
29 intended to enhance the recruitment and retention of
30 direct care workers in health care and long-term care
31 settings. Funding allocated in this lettered paragraph
32 shall not be used by the recipient association for
33 lobbying activities as described in section 689B.36.

34 j. The department may utilize one of the full-time
35 equivalent positions authorized in this subsection for
36 administration of the activities related to the Iowa
37 collaborative safety net provider network.

38 k. Of the funds appropriated in this subsection,
39 the department may use up to \$60,000 for up to one
40 full-time equivalent position to administer the
41 volunteer health care provider program pursuant to
42 section 135.24.

43 l. Of the funds appropriated in this subsection,
44 \$50,000 shall be used for a matching dental education
45 loan repayment program to be allocated to a dental
46 nonprofit health service corporation to develop the
47 criteria and implement the loan repayment program.

48 m. Of the funds appropriated in this subsection,
49 \$363,987 shall be used as state matching funds for
50 the health information network as established by the

1 department of public health.

2 5. HEALTHY AGING

3 To provide public health services that reduce risks
4 and invest in promoting and protecting good health over
5 the course of a lifetime with a priority given to older
6 Iowans and vulnerable populations:

7 \$ 7,297,142

8 a. Of the funds appropriated in this subsection,
9 \$2,009,187 shall be used for local public health
10 nursing services.

11 b. Of the funds appropriated in this subsection,
12 \$5,287,955 shall be used for home care aide services.

13 6. ENVIRONMENTAL HAZARDS

14 For reducing the public's exposure to hazards in the
15 environment, primarily chemical hazards, and for not
16 more than the following full-time equivalent positions:

17 \$ 813,777

18 FTEs 4.00

19 Of the funds appropriated in this subsection,
20 \$544,377 shall be used for childhood lead poisoning
21 provisions.

22 7. INFECTIOUS DISEASES

23 For reducing the incidence and prevalence of
24 communicable diseases, and for not more than the
25 following full-time equivalent positions:

26 \$ 1,345,847

27 FTEs 4.00

28 8. PUBLIC PROTECTION

29 For protecting the health and safety of the
30 public through establishing standards and enforcing
31 regulations, and for not more than the following
32 full-time equivalent positions:

33 \$ 2,776,232

34 FTEs 125.00

35 a. Of the funds appropriated in this subsection,
36 not more than \$471,690 shall be credited to the
37 emergency medical services fund created in section
38 135.25. Moneys in the emergency medical services fund
39 are appropriated to the department to be used for the
40 purposes of the fund.

41 b. Of the funds appropriated in this subsection,
42 \$210,619 shall be used for sexual violence prevention
43 programming through a statewide organization
44 representing programs serving victims of sexual
45 violence through the department's sexual violence
46 prevention program. The amount allocated in this
47 lettered paragraph shall not be used to supplant
48 funding administered for other sexual violence
49 prevention or victims assistance programs.

50 c. Of the funds appropriated in this subsection,

1 not more than \$436,582 shall be used for the state
2 poison control center.

3 9. RESOURCE MANAGEMENT

4 For establishing and sustaining the overall
5 ability of the department to deliver services to the
6 public, and for not more than the following full-time
7 equivalent positions:

8 \$ 819,554
9 FTEs 7.00

10 The university of Iowa hospitals and clinics under
11 the control of the state board of regents shall not
12 receive indirect costs from the funds appropriated in
13 this section. The university of Iowa hospitals and
14 clinics billings to the department shall be on at least
15 a quarterly basis.

16 DIVISION III

17 HEALTH AND HUMAN SERVICES

18 DEPARTMENT OF VETERANS AFFAIRS — FY 2011-2012

19 Sec. 3. DEPARTMENT OF VETERANS AFFAIRS. There is
20 appropriated from the general fund of the state to the
21 department of veterans affairs for the fiscal year
22 beginning July 1, 2011, and ending June 30, 2012, the
23 following amounts, or so much thereof as is necessary,
24 to be used for the purposes designated:

25 1. DEPARTMENT OF VETERANS AFFAIRS ADMINISTRATION

26 For salaries, support, maintenance, and
27 miscellaneous purposes, including the war orphans
28 educational assistance fund created in section
29 35.8, and for not more than the following full-time
30 equivalent positions:

31 \$ 998,832
32 FTEs 16.34

33 2. IOWA VETERANS HOME

34 For salaries, support, maintenance, and
35 miscellaneous purposes:

36 \$ 8,952,151

37 a. The Iowa veterans home billings involving the
38 department of human services shall be submitted to the
39 department on at least a monthly basis.

40 b. If there is a change in the employer of
41 employees providing services at the Iowa veterans home
42 under a collective bargaining agreement, such employees
43 and the agreement shall be continued by the successor
44 employer as though there had not been a change in
45 employer.

46 c. Within available resources and in conformance
47 with associated state and federal program eligibility
48 requirements, the Iowa veterans home may implement
49 measures to provide financial assistance to or on
50 behalf of veterans or their spouses participating in

1 the community reentry program.

2 3. STATE EDUCATIONAL ASSISTANCE — CHILDREN OF
3 DECEASED VETERANS

4 For provision of educational assistance pursuant to
5 section 35.9:

6 \$ 12,416

7 Sec. 4. LIMITATION OF COUNTY COMMISSION OF VETERANS
8 AFFAIRS FUND STANDING APPROPRIATIONS. Notwithstanding
9 the standing appropriation in the following designated
10 section for the fiscal year beginning July 1, 2011, and
11 ending June 30, 2012, the amounts appropriated from the
12 general fund of the state pursuant to that section for
13 the following designated purposes shall not exceed the
14 following amount:

15 For the county commissions of veterans affairs fund
16 under section 35A.16:

17 \$ 990,000

18 DIVISION IV

19 HEALTH AND HUMAN SERVICES

20 DEPARTMENT OF HUMAN SERVICES — FY 2011-2012

21 Sec. 5. TEMPORARY ASSISTANCE FOR NEEDY FAMILIES
22 BLOCK GRANT. There is appropriated from the fund
23 created in section 8.41 to the department of human
24 services for the fiscal year beginning July 1, 2011,
25 and ending June 30, 2012, from moneys received under
26 the federal temporary assistance for needy families
27 (TANF) block grant pursuant to the federal Personal
28 Responsibility and Work Opportunity Reconciliation
29 Act of 1996, Pub. L. No. 104-193, and successor
30 legislation, and from moneys received under the
31 emergency contingency fund for temporary assistance
32 for needy families state program established pursuant
33 to the federal American Recovery and Reinvestment
34 Act of 2009, Pub. L. No. 111-5 § 2101, and successor
35 legislation, the following amounts, or so much
36 thereof as is necessary, to be used for the purposes
37 designated:

38 1. To be credited to the family investment program
39 account and used for assistance under the family
40 investment program under chapter 239B:

41 \$ 21,500,738

42 2. To be credited to the family investment program
43 account and used for the job opportunities and
44 basic skills (JOBS) program and implementing family
45 investment agreements in accordance with chapter 239B:

46 \$ 12,411,528

47 3. To be used for the family development and
48 self-sufficiency grant program in accordance with
49 section 216A.107:

50 \$ 2,898,980

1 Notwithstanding section 8.33, moneys appropriated in
2 this subsection that remain unencumbered or unobligated
3 at the close of the fiscal year shall not revert but
4 shall remain available for expenditure for the purposes
5 designated until the close of the succeeding fiscal
6 year. However, unless such moneys are encumbered or
7 obligated on or before September 30, 2012, the moneys
8 shall revert.

- 9 4. For field operations:
10 \$ 31,296,232
11 5. For general administration:
12 \$ 3,744,000
13 6. For state child care assistance:
14 \$ 16,382,687

15 The funds appropriated in this subsection shall be
16 transferred to the child care and development block
17 grant appropriation made by the Eighty-fourth General
18 Assembly, 2011 Session, for the federal fiscal year
19 beginning October 1, 2011, and ending September 30,
20 2012. Of this amount, \$200,000 shall be used for
21 provision of educational opportunities to registered
22 child care home providers in order to improve services
23 and programs offered by this category of providers and
24 to increase the number of providers. The department
25 may contract with institutions of higher education or
26 child care resource and referral centers to provide the
27 educational opportunities. Allowable administrative
28 costs under the contracts shall not exceed 5 percent.
29 The application for a grant shall not exceed two pages
30 in length.

- 31 7. For mental health and developmental disabilities
32 community services:
33 \$ 4,894,052
34 8. For child and family services:
35 \$ 32,084,430
36 9. For child abuse prevention grants:
37 \$ 125,000
38 10. For pregnancy prevention grants on the
39 condition that family planning services are funded:
40 \$ 1,930,067

41 Pregnancy prevention grants shall be awarded
42 to pregnancy prevention programs that are based
43 on existing models that have demonstrated positive
44 outcomes. Grants shall comply with the requirements
45 provided in 1997 Iowa Acts, chapter 208, section 14,
46 subsections 1 and 2, including the requirement that
47 grant programs must emphasize sexual abstinence.
48 Priority in the awarding of grants shall be given
49 to programs that serve areas of the state which
50 demonstrate the highest percentage of unplanned

1 pregnancies of females of childbearing age within the
2 geographic area to be served by the grant.

3 11. For technology needs and other resources
4 necessary to meet federal welfare reform reporting,
5 tracking, and case management requirements:
6 \$ 1,037,186

7 12. To be credited to the state child care
8 assistance appropriation made in this section to be
9 used for funding of community-based early childhood
10 programs targeted to children from birth through five
11 years of age developed by early childhood Iowa areas as
12 provided in section 256I.11:
13 \$ 6,350,000

14 The department shall transfer TANF block grant
15 funding appropriated and allocated in this subsection
16 to the child care and development block grant
17 appropriation in accordance with federal law as
18 necessary to comply with the provisions of this
19 subsection.

20 13. a. Notwithstanding any provision to the
21 contrary, including but not limited to requirements
22 in section 8.41 or provisions in 2010 or 2011 Iowa
23 Acts regarding the receipt and appropriation of
24 federal block grants, federal funds from the emergency
25 contingency fund for temporary assistance for needy
26 families state program established pursuant to the
27 federal American Recovery and Reinvestment Act of
28 2009, Pub. L. No. 111-5 § 2101, received by the state
29 during the fiscal year beginning July 1, 2010, and
30 ending June 30, 2011, not otherwise appropriated in
31 this section and remaining available as of July 1,
32 2011, and received by the state during the fiscal year
33 beginning July 1, 2011, and ending June 30, 2012, are
34 appropriated to the extent as may be necessary to be
35 used in the following priority order: the family
36 investment program for the fiscal year and for state
37 child care assistance program payments for individuals
38 enrolled in the family investment program who are
39 employed. The federal funds appropriated in this
40 paragraph "a" shall be expended only after all other
41 funds appropriated in subsection 1 for the assistance
42 under the family investment program under chapter 239B
43 have been expended.

44 b. The department shall, on a quarterly basis,
45 advise the legislative services agency and department
46 of management of the amount of funds appropriated in
47 this subsection that was expended in the prior quarter.

48 14. Of the amounts appropriated in this section,
49 \$12,962,008 for the fiscal year beginning July 1,
50 2011, shall be transferred to the appropriation of

1 the federal social services block grant made for that
2 fiscal year.

3 15. For continuation of the program allowing the
4 department to maintain categorical eligibility for the
5 food assistance program as required under the section
6 of this division of this Act relating to the family
7 investment account:

8 \$ 146,072

9 16. The department may transfer funds allocated
10 in this section to the appropriations made in this
11 division of this Act for general administration and
12 field operations for resources necessary to implement
13 and operate the services referred to in this section
14 and those funded in the appropriation made in this
15 division of this Act for the family investment program
16 from the general fund of the state.

17 Sec. 6. FAMILY INVESTMENT PROGRAM ACCOUNT.

18 1. Moneys credited to the family investment program
19 (FIP) account for the fiscal year beginning July
20 1, 2011, and ending June 30, 2012, shall be used to
21 provide assistance in accordance with chapter 239B.

22 2. The department may use a portion of the moneys
23 credited to the FIP account under this section as
24 necessary for salaries, support, maintenance, and
25 miscellaneous purposes.

26 3. The department may transfer funds allocated in
27 this section to the appropriations in this division
28 of this Act for general administration and field
29 operations for resources necessary to implement and
30 operate the services referred to in this section and
31 those funded in the appropriation made in this division
32 of this Act for the family investment program from the
33 general fund of the state.

34 4. Moneys appropriated in this division of this Act
35 and credited to the FIP account for the fiscal year
36 beginning July 1, 2011, and ending June 30, 2012, are
37 allocated as follows:

38 a. To be retained by the department of human
39 services to be used for coordinating with the
40 department of human rights to more effectively serve
41 participants in the FIP program and other shared
42 clients and to meet federal reporting requirements
43 under the federal temporary assistance for needy
44 families block grant:

45 \$ 20,000

46 b. To the department of human rights for staffing,
47 administration, and implementation of the family
48 development and self-sufficiency grant program in
49 accordance with section 216A.107:

50 \$ 5,342,834

1 (1) Of the funds allocated for the family
2 development and self-sufficiency grant program in this
3 lettered paragraph, not more than 5 percent of the
4 funds shall be used for the administration of the grant
5 program.

6 (2) The department of human rights may continue to
7 implement the family development and self-sufficiency
8 grant program statewide during fiscal year 2011-2012.

9 c. For the diversion subaccount of the FIP account:
10 \$ 1,698,400

11 A portion of the moneys allocated for the subaccount
12 may be used for field operations salaries, data
13 management system development, and implementation
14 costs and support deemed necessary by the director of
15 human services in order to administer the FIP diversion
16 program.

17 d. For the food stamp employment and training
18 program:
19 \$ 66,588

20 (1) The department shall amend the food stamp
21 employment and training state plan in order to maximize
22 to the fullest extent permitted by federal law the
23 use of the 50-50 match provisions for the claiming
24 of allowable federal matching funds from the United
25 States department of agriculture pursuant to the
26 federal food stamp employment and training program for
27 providing education, employment, and training services
28 for eligible food assistance program participants,
29 including but not limited to related dependent care and
30 transportation expenses.

31 (2) The department shall continue the categorical
32 federal food assistance program eligibility at 160
33 percent of the federal poverty level and continue to
34 eliminate the asset test from eligibility requirements,
35 consistent with federal food assistance program
36 requirements. The department shall include as many
37 food assistance households as is allowed by federal
38 law. The eligibility provisions shall conform to all
39 federal requirements including requirements addressing
40 individuals who are incarcerated or otherwise
41 ineligible.

42 e. For the JOBS program:
43 \$ 20,235,905

44 5. Of the child support collections assigned under
45 FIP, an amount equal to the federal share of support
46 collections shall be credited to the child support
47 recovery appropriation made in this division of this
48 Act. Of the remainder of the assigned child support
49 collections received by the child support recovery
50 unit, a portion shall be credited to the FIP account,

1 a portion may be used to increase recoveries, and a
2 portion may be used to sustain cash flow in the child
3 support payments account. If as a consequence of the
4 appropriations and allocations made in this section
5 the resulting amounts are insufficient to sustain
6 cash assistance payments and meet federal maintenance
7 of effort requirements, the department shall seek
8 supplemental funding. If child support collections
9 assigned under FIP are greater than estimated or are
10 otherwise determined not to be required for maintenance
11 of effort, the state share of either amount may be
12 transferred to or retained in the child support payment
13 account.

14 6. The department may adopt emergency rules for
15 the family investment, JOBS, food stamp, and medical
16 assistance programs if necessary to comply with federal
17 requirements.

18 Sec. 7. FAMILY INVESTMENT PROGRAM GENERAL
19 FUND. There is appropriated from the general fund of
20 the state to the department of human services for the
21 fiscal year beginning July 1, 2011, and ending June 30,
22 2012, the following amount, or so much thereof as is
23 necessary, to be used for the purpose designated:

24 To be credited to the family investment program
25 (FIP) account and used for family investment program
26 assistance under chapter 239B:
27 \$ 50,171,027

28 1. Of the funds appropriated in this section,
29 \$7,824,377 is allocated for the JOBS program.

30 2. Of the funds appropriated in this section,
31 \$2,463,854 is allocated for the family development and
32 self-sufficiency grant program.

33 3. Notwithstanding section 8.39, for the fiscal
34 year beginning July 1, 2011, if necessary to meet
35 federal maintenance of effort requirements or to
36 transfer federal temporary assistance for needy
37 families block grant funding to be used for purposes
38 of the federal social services block grant or to meet
39 cash flow needs resulting from delays in receiving
40 federal funding or to implement, in accordance with
41 this division of this Act, activities currently funded
42 with juvenile court services, county, or community
43 moneys and state moneys used in combination with such
44 moneys, the department of human services may transfer
45 funds within or between any of the appropriations made
46 in this division of this Act and appropriations in law
47 for the federal social services block grant to the
48 department for the following purposes, provided that
49 the combined amount of state and federal temporary
50 assistance for needy families block grant funding for

1 each appropriation remains the same before and after
2 the transfer:

- 3 a. For the family investment program.
- 4 b. For child care assistance.
- 5 c. For child and family services.
- 6 d. For field operations.
- 7 e. For general administration.
- 8 f. MH/MR/DD/BI community services (local purchase).

9 This subsection shall not be construed to prohibit
10 the use of existing state transfer authority for other
11 purposes. The department shall report any transfers
12 made pursuant to this subsection to the legislative
13 services agency.

14 4. Of the funds appropriated in this section,
15 \$195,678 shall be used for continuation of a grant to
16 an Iowa-based nonprofit organization with a history
17 of providing tax preparation assistance to low-income
18 Iowans in order to expand the usage of the earned
19 income tax credit. The purpose of the grant is to
20 supply this assistance to underserved areas of the
21 state.

22 Sec. 8. CHILD SUPPORT RECOVERY. There is
23 appropriated from the general fund of the state to
24 the department of human services for the fiscal year
25 beginning July 1, 2011, and ending June 30, 2012, the
26 following amount, or so much thereof as is necessary,
27 to be used for the purposes designated:

28 For child support recovery, including salaries,
29 support, maintenance, and miscellaneous purposes, and
30 for not more than the following full-time equivalent
31 positions:

32 \$ 13,044,451
33 FTEs 475.00

34 1. The department shall expend up to \$24,329,
35 including federal financial participation, for the
36 fiscal year beginning July 1, 2011, for a child support
37 public awareness campaign. The department and the
38 office of the attorney general shall cooperate in
39 continuation of the campaign. The public awareness
40 campaign shall emphasize, through a variety of media
41 activities, the importance of maximum involvement of
42 both parents in the lives of their children as well as
43 the importance of payment of child support obligations.

44 2. Federal access and visitation grant moneys shall
45 be issued directly to private not-for-profit agencies
46 that provide services designed to increase compliance
47 with the child access provisions of court orders,
48 including but not limited to neutral visitation sites
49 and mediation services.

50 3. The appropriation made to the department for

1 child support recovery may be used throughout the
2 fiscal year in the manner necessary for purposes of
3 cash flow management, and for cash flow management
4 purposes the department may temporarily draw more
5 than the amount appropriated, provided the amount
6 appropriated is not exceeded at the close of the fiscal
7 year.

8 4. With the exception of the funding amount
9 specified, the requirements established under 2001
10 Iowa Acts, chapter 191, section 3, subsection 5,
11 paragraph "c", subparagraph (3), shall be applicable
12 to parental obligation pilot projects for the fiscal
13 year beginning July 1, 2011, and ending June 30,
14 2012. Notwithstanding 441 IAC 100.8, providing for
15 termination of rules relating to the pilot projects,
16 the rules shall remain in effect until June 30, 2012.

17 Sec. 9. HEALTH CARE TRUST FUND — MEDICAL
18 ASSISTANCE. Any funds remaining in the health
19 care trust fund created in section 453A.35A for the
20 fiscal year beginning July 1, 2011, and ending June
21 30, 2012, are appropriated to the department of
22 human services to supplement the medical assistance
23 program appropriations made in the health and human
24 services divisions of this Act, for medical assistance
25 reimbursement and associated costs, including
26 program administration and costs associated with
27 implementation.

28 Sec. 10. MEDICAL ASSISTANCE. There is appropriated
29 from the general fund of the state to the department of
30 human services for the fiscal year beginning July 1,
31 2011, and ending June 30, 2012, the following amount,
32 or so much thereof as is necessary, to be used for the
33 purpose designated:

34 For medical assistance reimbursement and associated
35 costs as specifically provided in the reimbursement
36 methodologies in effect on June 30, 2011, except as
37 otherwise expressly authorized by law, including
38 reimbursement for abortion services which shall be
39 available under the medical assistance program only for
40 those abortions which are medically necessary:
41 \$907,087,190

42 1. Medically necessary abortions are those
43 performed under any of the following conditions:

44 a. The attending physician certifies that
45 continuing the pregnancy would endanger the life of the
46 pregnant woman.

47 b. Any spontaneous abortion, commonly known as a
48 miscarriage, if not all of the products of conception
49 are expelled.

50 2. The department shall utilize not more than

1 \$60,000 of the funds appropriated in this section
2 to continue the AIDS/HIV health insurance premium
3 payment program as established in 1992 Iowa Acts,
4 Second Extraordinary Session, chapter 1001, section
5 409, subsection 6. Of the funds allocated in this
6 subsection, not more than \$5,000 may be expended for
7 administrative purposes.

8 3. Of the funds appropriated in the department of
9 public health division of this Act for FY 2011-2012
10 to the department of public health for addictive
11 disorders, \$950,000 for the fiscal year beginning
12 July 1, 2011, shall be transferred to the department
13 of human services for an integrated substance abuse
14 managed care system. The department shall not assume
15 management of the substance abuse system in place
16 of the managed care contractor unless such a change
17 in approach is specifically authorized in law. The
18 departments of human services and public health shall
19 work together to maintain the level of mental health
20 and substance abuse services provided by the managed
21 care contractor through the Iowa plan for behavioral
22 health. Each department shall take the steps necessary
23 to continue the federal waivers as necessary to
24 maintain the level of services.

25 4. a. The department shall aggressively pursue
26 options for providing medical assistance or other
27 assistance to individuals with special needs who become
28 ineligible to continue receiving services under the
29 early and periodic screening, diagnostic, and treatment
30 program under the medical assistance program due
31 to becoming 21 years of age who have been approved
32 for additional assistance through the department's
33 exception to policy provisions, but who have health
34 care needs in excess of the funding available through
35 the exception to policy provisions.

36 b. Of the funds appropriated in this section,
37 \$100,000 shall be used for participation in one or more
38 pilot projects operated by a private provider to allow
39 the individual or individuals to receive service in the
40 community in accordance with principles established in
41 *Olmstead v. L.C.*, 527 U.S. 581 (1999), for the purpose
42 of providing medical assistance or other assistance to
43 individuals with special needs who become ineligible
44 to continue receiving services under the early and
45 periodic screening, diagnosis, and treatment program
46 under the medical assistance program due to becoming
47 21 years of age who have been approved for additional
48 assistance through the department's exception to policy
49 provisions, but who have health care needs in excess
50 of the funding available through the exception to the

1 policy provisions.

2 5. Of the funds appropriated in this section, up to
3 \$3,050,082 may be transferred to the field operations
4 or general administration appropriations in this
5 division of this Act for operational costs associated
6 with Part D of the federal Medicare Prescription Drug
7 Improvement and Modernization Act of 2003, Pub. L. No.
8 108-173.

9 6. Of the funds appropriated in this section, up
10 to \$442,100 may be transferred to the appropriation
11 in this division of this Act for medical contracts
12 to be used for clinical assessment services and prior
13 authorization of services.

14 7. A portion of the funds appropriated in this
15 section may be transferred to the appropriations in
16 this division of this Act for general administration,
17 medical contracts, the children's health insurance
18 program, or field operations to be used for the
19 state match cost to comply with the payment error
20 rate measurement (PERM) program for both the medical
21 assistance and children's health insurance programs
22 as developed by the centers for Medicare and Medicaid
23 services of the United States department of health and
24 human services to comply with the federal Improper
25 Payments Information Act of 2002, Pub. L. No. 107-300.

26 8. It is the intent of the general assembly
27 that the department continue to implement the
28 recommendations of the assuring better child health
29 and development initiative II (ABCDII) clinical panel
30 to the Iowa early and periodic screening, diagnostic,
31 and treatment services healthy mental development
32 collaborative board regarding changes to billing
33 procedures, codes, and eligible service providers.

34 9. Of the funds appropriated in this section,
35 a sufficient amount is allocated to supplement
36 the incomes of residents of nursing facilities,
37 intermediate care facilities for persons with mental
38 illness, and intermediate care facilities for persons
39 with mental retardation, with incomes of less than \$50
40 in the amount necessary for the residents to receive a
41 personal needs allowance of \$50 per month pursuant to
42 section 249A.30A.

43 10. Of the funds appropriated in this section,
44 the following amounts shall be transferred to the
45 appropriations made in this division of this Act for
46 the state mental health institutes:

47 a. Cherokee mental health institute	\$
48 9,098,425	
49 b. Clarinda mental health institute	\$
50 1,977,305	

1 c. Independence mental health institute \$
2 9,045,894

3 d. Mount Pleasant mental health institute \$
4 5,752,587

5 11. a. Of the funds appropriated in this section,
6 \$7,425,684 is allocated for the state match for a
7 disproportionate share hospital payment of \$19,133,430
8 to hospitals that meet both of the conditions specified
9 in subparagraphs (1) and (2). In addition, the
10 hospitals that meet the conditions specified shall
11 either certify public expenditures or transfer to
12 the medical assistance program an amount equal to
13 provide the nonfederal share for a disproportionate
14 share hospital payment of \$7,500,000. The hospitals
15 that meet the conditions specified shall receive and
16 retain 100 percent of the total disproportionate share
17 hospital payment of \$26,633,430.

18 (1) The hospital qualifies for disproportionate
19 share and graduate medical education payments.

20 (2) The hospital is an Iowa state-owned hospital
21 with more than 500 beds and eight or more distinct
22 residency specialty or subspecialty programs recognized
23 by the American college of graduate medical education.

24 b. Distribution of the disproportionate share
25 payments shall be made on a monthly basis. The total
26 amount of disproportionate share payments including
27 graduate medical education, enhanced disproportionate
28 share, and Iowa state-owned teaching hospital payments
29 shall not exceed the amount of the state's allotment
30 under Pub. L. No. 102-234. In addition, the total
31 amount of all disproportionate share payments shall not
32 exceed the hospital-specific disproportionate share
33 limits under Pub. L. No. 103-66.

34 12. The university of Iowa hospitals and clinics
35 shall either certify public expenditures or transfer to
36 the medical assistance appropriation an amount equal
37 to provide the nonfederal share for increased medical
38 assistance payments for inpatient and outpatient
39 hospital services of \$9,900,000. The university of
40 Iowa hospitals and clinics shall receive and retain 100
41 percent of the total increase in medical assistance
42 payments.

43 13. Of the funds appropriated in this section,
44 up to \$4,480,304 may be transferred to the IowaCare
45 account created in section 249J.24.

46 14. Of the funds appropriated in this section,
47 \$200,000 shall be used for the Iowa chronic care
48 consortium pursuant to 2003 Iowa Acts, chapter 112,
49 section 12, as amended by 2003 Iowa Acts, chapter 179,
50 sections 166 and 167.

1 15. One hundred percent of the nonfederal share of
2 payments to area education agencies that are medical
3 assistance providers for medical assistance-covered
4 services provided to medical assistance-covered
5 children, shall be made from the appropriation made in
6 this section.

7 16. Any new or renewed contract entered into by the
8 department with a third party to administer behavioral
9 health services under the medical assistance program
10 shall provide that any interest earned on payments
11 from the state during the state fiscal year shall be
12 remitted to the department and treated as recoveries to
13 offset the costs of the medical assistance program.

14 17. The department shall continue to implement the
15 provisions in 2007 Iowa Acts, chapter 218, section
16 124 and section 126, as amended by 2008 Iowa Acts,
17 chapter 1188, section 55, relating to eligibility for
18 certain persons with disabilities under the medical
19 assistance program in accordance with the federal
20 family opportunity Act.

21 18. A portion of the funds appropriated in this
22 section may be transferred to the appropriation in this
23 division of this Act for medical contracts to be used
24 for administrative activities associated with the money
25 follows the person demonstration project.

26 19. Of the funds appropriated in this section,
27 \$349,011 shall be used for the administration of the
28 health insurance premium payment program, including
29 salaries, support, maintenance, and miscellaneous
30 purposes for the fiscal year beginning July 1, 2011.

31 20. a. The department may implement cost
32 containment strategies recommended by the governor, and
33 may adopt emergency rules for such implementation.

34 b. The department may increase the amounts
35 allocated for salaries, support, maintenance, and
36 miscellaneous purposes associated with the medical
37 assistance program, as necessary, to implement the cost
38 containment strategies. The department shall report
39 any such increase to the legislative services agency
40 and the department of management.

41 c. If the savings to the medical assistance
42 program exceed the cost, the department may transfer
43 any savings generated for the fiscal year due to
44 medical assistance program cost containment efforts
45 initiated pursuant to 2010 Iowa Acts, chapter 1031,
46 Executive Order No. 20, issued December 16, 2009, or
47 cost containment strategies initiated pursuant to
48 this subsection, to the appropriation made in this
49 division of this Act for medical contracts or general
50 administration to defray the increased contract costs

1 associated with implementing such efforts.

2 d. The department shall report the implementation
3 of any cost containment strategies under this
4 subsection to the individuals specified in this
5 division of this Act for submission of reports on a
6 quarterly basis.

7 21. Notwithstanding any provision of law to the
8 contrary, the department of human services shall amend
9 the section 1915(b) waiver and Iowa plan contract to
10 include remedial services under the Iowa plan contract
11 effective July 1, 2011.

12 22. a. The department may submit medical
13 assistance program state plan amendments to the centers
14 for Medicare and Medicaid services of the United
15 States department of health and human services, and may
16 adopt administrative rules pursuant to chapter 17A to
17 implement any of the following if the respective state
18 plan amendment is approved:

19 (1) Health homes pursuant to section 2703 of the
20 federal Patient Protection and Affordable Care Act,
21 Pub. L. No. 111-148. The department shall collaborate
22 with the medical home system advisory council created
23 pursuant to section 135.159 in developing such health
24 homes.

25 (2) Accountable care organization pilot programs,
26 if such programs are advantageous to the medical
27 assistance program.

28 b. Any health home or accountable care organization
29 pilot program implemented pursuant to this subsection
30 shall demonstrate value to the state with a
31 positive return on investment within two years of
32 implementation, and may utilize care coordination fees,
33 pay-for-performance fees, or shared saving strategies
34 if approved as part of the state plan amendment.

35 23. The department, in consultation with the
36 Iowa pharmacy association and other appropriate
37 entities, shall develop recommendations to replace the
38 reimbursement methodology of average wholesale price
39 minus 12 percent for covered brand-name prescription
40 drugs, generic drugs, and over-the-counter drugs. The
41 department shall report the recommendations to the
42 persons designated in this division of this Act for
43 submission of reports by December 15, 2011.

44 Sec. 11. MEDICAL CONTRACTS. There is appropriated
45 from the general fund of the state to the department of
46 human services for the fiscal year beginning July 1,
47 2011, and ending June 30, 2012, the following amount,
48 or so much thereof as is necessary, to be used for the
49 purpose designated:

50 For medical contracts:

1 \$ 5,823,844

2 1. The department of inspections and appeals
3 shall provide all state matching funds for survey and
4 certification activities performed by the department
5 of inspections and appeals. The department of human
6 services is solely responsible for distributing the
7 federal matching funds for such activities.

8 2. The department shall amend the state Medicaid
9 health information technology plan to include costs
10 related to the one-time development costs of the health
11 information network established by the department of
12 public health.

13 3. Of the amount appropriated in this section, up
14 to \$200,000 may be transferred to the appropriation for
15 general administration in this division of this Act to
16 be used for additional full-time equivalent positions
17 in the development of key health initiatives such as
18 cost containment, development and oversight of managed
19 care programs, and development of health strategies
20 targeted toward improved quality and reduced costs in
21 the Medicaid program.

22 4. Of the funds appropriated in this section,
23 \$50,000 shall be used for home and community-based
24 services waiver quality assurance programs, including
25 the review and streamlining of processes and policies
26 related to oversight and quality management to meet
27 state and federal requirements. The department shall
28 submit a report to the persons designated in this
29 division of this Act for submission of reports by
30 December 15, 2011, regarding the modifications to the
31 quality assurance programs.

32 Sec. 12. STATE SUPPLEMENTARY ASSISTANCE.

33 1. There is appropriated from the general fund of
34 the state to the department of human services for the
35 fiscal year beginning July 1, 2011, and ending June 30,
36 2012, the following amount, or so much thereof as is
37 necessary, to be used for the purpose designated:

38 For the state supplementary assistance program:
39 \$ 16,850,747

40 2. The department shall increase the personal needs
41 allowance for residents of residential care facilities
42 by the same percentage and at the same time as federal
43 supplemental security income and federal social
44 security benefits are increased due to a recognized
45 increase in the cost of living. The department may
46 adopt emergency rules to implement this subsection.

47 3. If during the fiscal year beginning July 1,
48 2011, the department projects that state supplementary
49 assistance expenditures for a calendar year will not
50 meet the federal pass-through requirement specified

1 in Tit. XVI of the federal Social Security Act,
2 section 1618, as codified in 42 U.S.C. § 1382g,
3 the department may take actions including but not
4 limited to increasing the personal needs allowance
5 for residential care facility residents and making
6 programmatic adjustments or upward adjustments of the
7 residential care facility or in-home health-related
8 care reimbursement rates prescribed in this division of
9 this Act to ensure that federal requirements are met.
10 In addition, the department may make other programmatic
11 and rate adjustments necessary to remain within the
12 amount appropriated in this section while ensuring
13 compliance with federal requirements. The department
14 may adopt emergency rules to implement the provisions
15 of this subsection.

16 Sec. 13. CHILDREN'S HEALTH INSURANCE PROGRAM.

17 There is appropriated from the general fund of the
18 state to the department of human services for the
19 fiscal year beginning July 1, 2011, and ending June 30,
20 2012, the following amount, or so much thereof as is
21 necessary, to be used for the purpose designated:

22 For maintenance of the healthy and well kids in Iowa
23 (hawk-i) program pursuant to chapter 514I, including
24 supplemental dental services, for receipt of federal
25 financial participation under Tit. XXI of the federal
26 Social Security Act, which creates the children's
27 health insurance program:
28 \$ 32,677,152

29 Sec. 14. CHILD CARE ASSISTANCE. There is
30 appropriated from the general fund of the state to
31 the department of human services for the fiscal year
32 beginning July 1, 2011, and ending June 30, 2012, the
33 following amount, or so much thereof as is necessary,
34 to be used for the purpose designated:

35 For child care programs:
36 \$ 55,237,662

37 1. Of the funds appropriated in this section,
38 \$51,868,235 shall be used for state child care
39 assistance in accordance with section 237A.13.

40 2. Nothing in this section shall be construed or
41 is intended as or shall imply a grant of entitlement
42 for services to persons who are eligible for assistance
43 due to an income level consistent with the waiting
44 list requirements of section 237A.13. Any state
45 obligation to provide services pursuant to this section
46 is limited to the extent of the funds appropriated in
47 this section.

48 3. Of the funds appropriated in this section,
49 \$432,453 is allocated for the statewide program for
50 child care resource and referral services under section

1 237A.26. A list of the registered and licensed child
2 care facilities operating in the area served by a
3 child care resource and referral service shall be made
4 available to the families receiving state child care
5 assistance in that area.

6 4. Of the funds appropriated in this section,
7 \$936,974 is allocated for child care quality
8 improvement initiatives including but not limited to
9 the voluntary quality rating system in accordance with
10 section 237.30.

11 5. The department may use any of the funds
12 appropriated in this section as a match to obtain
13 federal funds for use in expanding child care
14 assistance and related programs. For the purpose of
15 expenditures of state and federal child care funding,
16 funds shall be considered obligated at the time
17 expenditures are projected or are allocated to the
18 department's service areas. Projections shall be based
19 on current and projected caseload growth, current and
20 projected provider rates, staffing requirements for
21 eligibility determination and management of program
22 requirements including data systems management,
23 staffing requirements for administration of the
24 program, contractual and grant obligations and any
25 transfers to other state agencies, and obligations for
26 decategorization or innovation projects.

27 6. A portion of the state match for the federal
28 child care and development block grant shall be
29 provided as necessary to meet federal matching
30 funds requirements through the state general fund
31 appropriation made for child development grants and
32 other programs for at-risk children in section 279.51.

33 7. If a uniform reduction ordered by the governor
34 under section 8.31 or other operation of law,
35 transfer, or federal funding reduction reduces the
36 appropriation made in this section for the fiscal year,
37 the percentage reduction in the amount paid out to or
38 on behalf of the families participating in the state
39 child care assistance program shall be equal to or
40 less than the percentage reduction made for any other
41 purpose payable from the appropriation made in this
42 section and the federal funding relating to it. The
43 percentage reduction to the other allocations made in
44 this section shall be the same as the uniform reduction
45 ordered by the governor or the percentage change of the
46 federal funding reduction, as applicable. If there is
47 an unanticipated increase in federal funding provided
48 for state child care assistance, the entire amount
49 of the increase shall be used for state child care
50 assistance payments. If the appropriations made for

1 purposes of the state child care assistance program for
2 the fiscal year are determined to be insufficient, it
3 is the intent of the general assembly to appropriate
4 sufficient funding for the fiscal year in order to
5 avoid establishment of waiting list requirements.

6 8. Notwithstanding section 8.33, moneys
7 appropriated in this section or received from the
8 federal appropriations made for the purposes of this
9 section that remain unencumbered or unobligated at the
10 close of the fiscal year shall not revert to any fund
11 but shall remain available for expenditure for the
12 purposes designated until the close of the succeeding
13 fiscal year.

14 Sec. 15. JUVENILE INSTITUTIONS. There is
15 appropriated from the general fund of the state to
16 the department of human services for the fiscal year
17 beginning July 1, 2011, and ending June 30, 2012, the
18 following amounts, or so much thereof as is necessary,
19 to be used for the purposes designated:

20 1. For operation of the Iowa juvenile home at
21 Toledo and for salaries, support, maintenance, and
22 miscellaneous purposes, and for not more than the
23 following full-time equivalent positions:

24 \$ 8,258,251
25 FTEs 114.00

26 2. For operation of the state training school at
27 Eldora and for salaries, support, maintenance, and
28 miscellaneous purposes, and for not more than the
29 following full-time equivalent positions:

30 \$ 10,638,677
31 FTEs 164.30

32 Of the funds appropriated in this subsection,
33 \$91,150 shall be used for distribution to licensed
34 classroom teachers at this and other institutions under
35 the control of the department of human services based
36 upon the average student yearly enrollment at each
37 institution as determined by the department.

38 3. A portion of the moneys appropriated in this
39 section shall be used by the state training school and
40 by the Iowa juvenile home for grants for adolescent
41 pregnancy prevention activities at the institutions in
42 the fiscal year beginning July 1, 2011.

43 Sec. 16. CHILD AND FAMILY SERVICES.

44 1. There is appropriated from the general fund of
45 the state to the department of human services for the
46 fiscal year beginning July 1, 2011, and ending June 30,
47 2012, the following amount, or so much thereof as is
48 necessary, to be used for the purpose designated:

49 For child and family services:
50 \$ 82,330,967

1 2. In order to address a reduction of \$5,200,000
2 from the amount allocated under the appropriation made
3 for the purposes of this section in prior years for
4 purposes of juvenile delinquent graduated sanction
5 services, up to \$5,200,000 of the amount of federal
6 temporary assistance for needy families block grant
7 funding appropriated in this division of this Act for
8 child and family services shall be made available for
9 purposes of juvenile delinquent graduated sanction
10 services.

11 3. The department may transfer funds appropriated
12 in this section as necessary to pay the nonfederal
13 costs of services reimbursed under the medical
14 assistance program, state child care assistance
15 program, or the family investment program which are
16 provided to children who would otherwise receive
17 services paid under the appropriation in this section.
18 The department may transfer funds appropriated in this
19 section to the appropriations made in this division
20 of this Act for general administration and for field
21 operations for resources necessary to implement and
22 operate the services funded in this section.

23 4. a. Of the funds appropriated in this section,
24 up to \$30,169,129 is allocated as the statewide
25 expenditure target under section 232.143 for group
26 foster care maintenance and services. If the
27 department projects that such expenditures for the
28 fiscal year will be less than the target amount
29 allocated in this lettered paragraph, the department
30 may reallocate the excess to provide additional
31 funding for shelter care or the child welfare emergency
32 services addressed with the allocation for shelter
33 care.

34 b. If at any time after September 30, 2011,
35 annualization of a service area's current expenditures
36 indicates a service area is at risk of exceeding its
37 group foster care expenditure target under section
38 232.143 by more than 5 percent, the department and
39 juvenile court services shall examine all group
40 foster care placements in that service area in order
41 to identify those which might be appropriate for
42 termination. In addition, any aftercare services
43 believed to be needed for the children whose
44 placements may be terminated shall be identified. The
45 department and juvenile court services shall initiate
46 action to set dispositional review hearings for the
47 placements identified. In such a dispositional review
48 hearing, the juvenile court shall determine whether
49 needed aftercare services are available and whether
50 termination of the placement is in the best interest of

1 the child and the community.

2 5. In accordance with the provisions of section
3 232.188, the department shall continue the child
4 welfare and juvenile justice funding initiative during
5 fiscal year 2011-2012. Of the funds appropriated in
6 this section, \$1,717,753 is allocated specifically
7 for expenditure for fiscal year 2011-2012 through the
8 decategorization service funding pools and governance
9 boards established pursuant to section 232.188.
10 However, if this subsection is enacted on or after June
11 15, 2011, the determination shall be made not later
12 than 10 calendar days after the effective date.

13 6. A portion of the funds appropriated in this
14 section may be used for emergency family assistance
15 to provide other resources required for a family
16 participating in a family preservation or reunification
17 project or successor project to stay together or to be
18 reunified.

19 7. Notwithstanding section 234.35 or any other
20 provision of law to the contrary, state funding for
21 shelter care and the child welfare emergency services
22 contracting implemented to provide for or prevent the
23 need for shelter care shall be limited to \$7,170,116.
24 The department may execute contracts that result from
25 the department's request for proposal, bid number
26 ACFS-11-114, to provide the range of child welfare
27 emergency services described in the request for
28 proposals, and any subsequent amendments to the request
29 for proposals.

30 8. Federal funds received by the state during
31 the fiscal year beginning July 1, 2011, as the
32 result of the expenditure of state funds appropriated
33 during a previous state fiscal year for a service or
34 activity funded under this section are appropriated
35 to the department to be used as additional funding
36 for services and purposes provided for under this
37 section. Notwithstanding section 8.33, moneys
38 received in accordance with this subsection that remain
39 unencumbered or unobligated at the close of the fiscal
40 year shall not revert to any fund but shall remain
41 available for the purposes designated until the close
42 of the succeeding fiscal year.

43 9. Of the funds appropriated in this section, at
44 least \$3,696,285 shall be used for protective child
45 care assistance.

46 10. a. Of the funds appropriated in this section,
47 up to \$2,062,488 is allocated for the payment of
48 the expenses of court-ordered services provided to
49 juveniles who are under the supervision of juvenile
50 court services, which expenses are a charge upon the

1 state pursuant to section 232.141, subsection 4. Of
2 the amount allocated in this lettered paragraph,
3 up to \$1,556,287 shall be made available to provide
4 school-based supervision of children adjudicated under
5 chapter 232, of which not more than \$15,000 may be used
6 for the purpose of training. A portion of the cost of
7 each school-based liaison officer shall be paid by the
8 school district or other funding source as approved by
9 the chief juvenile court officer.

10 b. Of the funds appropriated in this section, up to
11 \$748,985 is allocated for the payment of the expenses
12 of court-ordered services provided to children who are
13 under the supervision of the department, which expenses
14 are a charge upon the state pursuant to section
15 232.141, subsection 4.

16 c. Notwithstanding section 232.141 or any other
17 provision of law to the contrary, the amounts allocated
18 in this subsection shall be distributed to the
19 judicial districts as determined by the state court
20 administrator and to the department's service areas as
21 determined by the administrator of the department's
22 division of child and family services. The state court
23 administrator and the division administrator shall make
24 the determination of the distribution amounts on or
25 before June 15, 2011. However, if this subsection is
26 enacted on or after June 15, 2011, the determination
27 shall be made not later than 10 calendar days after the
28 effective date of this subsection.

29 d. Notwithstanding chapter 232 or any other
30 provision of law to the contrary, a district or
31 juvenile court shall not order any service which is
32 a charge upon the state pursuant to section 232.141
33 if there are insufficient court-ordered services
34 funds available in the district court or departmental
35 service area distribution amounts to pay for the
36 service. The chief juvenile court officer and the
37 departmental service area manager shall encourage use
38 of the funds allocated in this subsection such that
39 there are sufficient funds to pay for all court-related
40 services during the entire year. The chief juvenile
41 court officers and departmental service area managers
42 shall attempt to anticipate potential surpluses and
43 shortfalls in the distribution amounts and shall
44 cooperatively request the state court administrator
45 or division administrator to transfer funds between
46 the judicial districts' or departmental service areas'
47 distribution amounts as prudent.

48 e. Notwithstanding any provision of law to the
49 contrary, a district or juvenile court shall not order
50 a county to pay for any service provided to a juvenile

1 pursuant to an order entered under chapter 232 which
2 is a charge upon the state under section 232.141,
3 subsection 4.

4 f. Of the funds allocated in this subsection, not
5 more than \$83,000 may be used by the judicial branch
6 for administration of the requirements under this
7 subsection.

8 g. Of the funds allocated in this subsection,
9 \$17,000 shall be used by the department of human
10 services to support the interstate commission for
11 juveniles in accordance with the interstate compact for
12 juveniles as provided in section 232.173.

13 11. Of the funds appropriated in this section,
14 \$5,422,602 is allocated for juvenile delinquent
15 graduated sanctions services. Any state funds saved as
16 a result of efforts by juvenile court services to earn
17 federal Tit. IV-E match for juvenile court services
18 administration may be used for the juvenile delinquent
19 graduated sanctions services.

20 12. Of the funds appropriated in this section,
21 \$988,285 shall be transferred to the department of
22 public health to be used for the child protection
23 center grant program in accordance with section
24 135.118.

25 13. If the department receives federal approval
26 to implement a waiver under Tit. IV-E of the federal
27 Social Security Act to enable providers to serve
28 children who remain in the children's families and
29 communities, for purposes of eligibility under the
30 medical assistance program, children who participate in
31 the waiver shall be considered to be placed in foster
32 care.

33 14. Of the funds appropriated in this section,
34 \$3,069,832 is allocated for the preparation for adult
35 living program pursuant to section 234.46.

36 15. Of the funds appropriated in this section,
37 \$520,150 shall be used for juvenile drug courts.
38 The amount allocated in this subsection shall be
39 distributed as follows:

40 To the judicial branch for salaries to assist with
41 the operation of juvenile drug court programs operated
42 in the following jurisdictions:

43 a. Marshall county:	
44	\$ 62,708
45 b. Woodbury county:	
46	\$ 125,682
47 c. Polk county:	
48	\$ 195,892
49 d. The third judicial district:	
50	\$ 67,934

1 e. The eighth judicial district:
2 \$ 67,934
3 16. Of the funds appropriated in this section,
4 \$227,337 shall be used for the public purpose of
5 providing a grant to a nonprofit human services
6 organization providing services to individuals and
7 families in multiple locations in southwest Iowa and
8 Nebraska for support of a project providing immediate,
9 sensitive support and forensic interviews, medical
10 exams, needs assessments, and referrals for victims of
11 child abuse and their nonoffending family members.
12 17. Of the funds appropriated in this section,
13 \$125,590 is allocated for the elevate approach of
14 providing a support network to children placed in
15 foster care.
16 18. Of the funds appropriated in this section,
17 \$202,000 is allocated for use pursuant to section
18 235A.1 for continuation of the initiative to address
19 child sexual abuse implemented pursuant to 2007 Iowa
20 Acts, chapter 218, section 18, subsection 21.
21 19. Of the funds appropriated in this section,
22 \$630,240 is allocated for the community partnership for
23 child protection sites.
24 20. Of the funds appropriated in this section,
25 \$371,250 is allocated for the department's minority
26 youth and family projects under the redesign of the
27 child welfare system.
28 21. Of the funds appropriated in this section,
29 \$1,200,495 is allocated for funding of the state match
30 for the federal substance abuse and mental health
31 services administration (SAMHSA) system of care grant.
32 22. Of the funds appropriated in this section, at
33 least \$147,158 shall be used for the child welfare
34 training academy.
35 23. Of the funds appropriated in this section,
36 \$25,000 shall be used for the public purpose of
37 providing a grant to a child welfare services provider
38 headquartered in a county with a population between
39 205,000 and 215,000 in the latest certified federal
40 census that provides multiple services including but
41 not limited to a psychiatric medical institution for
42 children, shelter, residential treatment, after school
43 programs, school-based programming, and an Asperger's
44 syndrome program, to be used for support services
45 for children with autism spectrum disorder and their
46 families.
47 24. Of the funds appropriated in this section,
48 \$250,804 shall be used for the public purpose of
49 continuing the central Iowa system of care program
50 grant through June 30, 2012.

1 25. Of the funds appropriated in this section,
2 \$160,000 shall be used for the public purpose of
3 providing a system of care grant to be implemented
4 in Mason City and Cedar Rapids by a nonprofit agency
5 which has been in existence more than 37 years and is
6 headquartered in a county with a population of more
7 than 200,000 but less than 300,000, according to the
8 2010 census issued by the United States bureau of the
9 census, and is providing child welfare treatment and
10 prevention services in at least 19 locations throughout
11 the state of Iowa.

12 Sec. 17. ADOPTION SUBSIDY.

13 1. There is appropriated from the general fund of
14 the state to the department of human services for the
15 fiscal year beginning July 1, 2011, and ending June 30,
16 2012, the following amount, or so much thereof as is
17 necessary, to be used for the purpose designated:

18 For adoption subsidy payments and services:
19 \$ 34,897,591

20 2. The department may transfer funds appropriated
21 in this section to the appropriation made in this
22 division of this Act for general administration for
23 costs paid from the appropriation relating to adoption
24 subsidy.

25 3. Federal funds received by the state during the
26 fiscal year beginning July 1, 2011, as the result of
27 the expenditure of state funds during a previous state
28 fiscal year for a service or activity funded under
29 this section are appropriated to the department to
30 be used as additional funding for the services and
31 activities funded under this section. Notwithstanding
32 section 8.33, moneys received in accordance with this
33 subsection that remain unencumbered or unobligated at
34 the close of the fiscal year shall not revert to any
35 fund but shall remain available for expenditure for the
36 purposes designated until the close of the succeeding
37 fiscal year.

38 Sec. 18. JUVENILE DETENTION HOME FUND.

39 1. Moneys deposited in the juvenile detention home
40 fund created in section 232.142 during the fiscal year
41 beginning July 1, 2011, and ending June 30, 2012, are
42 appropriated to the department of human services for
43 the fiscal year beginning July 1, 2011, and ending
44 June 30, 2012, for distribution of an amount equal
45 to a percentage of the costs of the establishment,
46 improvement, operation, and maintenance of county or
47 multicounty juvenile detention homes in the fiscal
48 year beginning July 1, 2010. Moneys appropriated for
49 distribution in accordance with this section shall be
50 allocated among eligible detention homes, prorated on

1 the basis of an eligible detention home's proportion
2 of the costs of all eligible detention homes in the
3 fiscal year beginning July 1, 2010. The percentage
4 figure shall be determined by the department based on
5 the amount available for distribution for the fund.
6 Notwithstanding section 232.142, subsection 3, the
7 financial aid payable by the state under that provision
8 for the fiscal year beginning July 1, 2011, shall be
9 limited to the amount appropriated for the purposes of
10 this section.

11 2. Representatives of chief juvenile court
12 officers, the department of human rights, and the
13 department of human services shall work with juvenile
14 detention centers and other stakeholders to review the
15 current methodology for distribution of moneys from
16 the juvenile detention home fund, consider alternative
17 distribution methodologies, and report findings and
18 recommendations to the persons designated by this
19 division of this Act for the submission of reports by
20 December 15, 2011. It is the intent of the general
21 assembly to shift responsibility for administering
22 the fund from the department of human services to the
23 division of criminal and juvenile justice planning of
24 the department of human rights, effective with the
25 fiscal year beginning July 1, 2012.

26 Sec. 19. FAMILY SUPPORT SUBSIDY PROGRAM.

27 1. There is appropriated from the general fund of
28 the state to the department of human services for the
29 fiscal year beginning July 1, 2011, and ending June 30,
30 2012, the following amount, or so much thereof as is
31 necessary, to be used for the purpose designated:

32 For the family support subsidy program subject
33 to the enrollment restrictions in section 225C.37,
34 subsection 3:

35 \$ 1,167,998

36 2. The department shall use at least \$385,500 of
37 the moneys appropriated in this section for the family
38 support center component of the comprehensive family
39 support program under section 225C.47. Not more than
40 \$25,000 of the amount allocated in this subsection
41 shall be used for administrative costs.

42 3. If at any time during the fiscal year, the
43 amount of funding available for the family support
44 subsidy program is reduced from the amount initially
45 used to establish the figure for the number of family
46 members for whom a subsidy is to be provided at any one
47 time during the fiscal year, notwithstanding section
48 225C.38, subsection 2, the department shall revise the
49 figure as necessary to conform to the amount of funding
50 available.

1 Sec. 20. CONNER DECREE. There is appropriated from
2 the general fund of the state to the department of
3 human services for the fiscal year beginning July 1,
4 2011, and ending June 30, 2012, the following amount,
5 or so much thereof as is necessary, to be used for the
6 purpose designated:

7 For building community capacity through the
8 coordination and provision of training opportunities
9 in accordance with the consent decree of Conner v.
10 Branstad, No. 4-86-CV-30871(S.D. Iowa, July 14, 1994):

11 \$ 33,622
12 Sec. 21. MENTAL HEALTH INSTITUTES.

13 There is appropriated from the general fund of
14 the state to the department of human services for the
15 fiscal year beginning July 1, 2011, and ending June 30,
16 2012, the following amounts, or so much thereof as is
17 necessary, to be used for the purposes designated:

18 1. For the state mental health institute at
19 Cherokee for salaries, support, maintenance, and
20 miscellaneous purposes, and for not more than the
21 following full-time equivalent positions:

22 \$ 5,877,308
23 FTEs 168.50

24 2. For the state mental health institute at
25 Clarinda for salaries, support, maintenance, and
26 miscellaneous purposes, and for not more than the
27 following full-time equivalent positions:

28 \$ 6,411,734
29 FTEs 86.10

30 3. For the state mental health institute at
31 Independence for salaries, support, maintenance, and
32 miscellaneous purposes, and for not more than the
33 following full-time equivalent positions:

34 \$ 10,275,685
35 FTEs 233.00

36 4. For the state mental health institute at Mount
37 Pleasant for salaries, support, maintenance, and
38 miscellaneous purposes, and for not more than the
39 following full-time equivalent positions:

40 \$ 944,323
41 FTEs 91.72

42 Sec. 22. STATE RESOURCE CENTERS.

43 1. There is appropriated from the general fund of
44 the state to the department of human services for the
45 fiscal year beginning July 1, 2011, and ending June 30,
46 2012, the following amounts, or so much thereof as is
47 necessary, to be used for the purposes designated:

48 a. For the state resource center at Glenwood for
49 salaries, support, maintenance, and miscellaneous
50 purposes:

1 \$ 18,607,801

2 b. For the state resource center at Woodward for
3 salaries, support, maintenance, and miscellaneous
4 purposes:

5 \$ 12,885,658

6 2. The department may continue to bill for state
7 resource center services utilizing a scope of services
8 approach used for private providers of ICFMR services,
9 in a manner which does not shift costs between the
10 medical assistance program, counties, or other sources
11 of funding for the state resource centers.

12 3. The state resource centers may expand the
13 time-limited assessment and respite services during the
14 fiscal year.

15 4. If the department's administration and the
16 department of management concur with a finding by a
17 state resource center's superintendent that projected
18 revenues can reasonably be expected to pay the salary
19 and support costs for a new employee position, or
20 that such costs for adding a particular number of new
21 positions for the fiscal year would be less than the
22 overtime costs if new positions would not be added, the
23 superintendent may add the new position or positions.
24 If the vacant positions available to a resource center
25 do not include the position classification desired to
26 be filled, the state resource center's superintendent
27 may reclassify any vacant position as necessary to
28 fill the desired position. The superintendents of the
29 state resource centers may, by mutual agreement, pool
30 vacant positions and position classifications during
31 the course of the fiscal year in order to assist one
32 another in filling necessary positions.

33 5. If existing capacity limitations are reached
34 in operating units, a waiting list is in effect
35 for a service or a special need for which a payment
36 source or other funding is available for the service
37 or to address the special need, and facilities for
38 the service or to address the special need can be
39 provided within the available payment source or other
40 funding, the superintendent of a state resource center
41 may authorize opening not more than two units or
42 other facilities and begin implementing the service
43 or addressing the special need during fiscal year
44 2011-2012.

45 Sec. 23. MI/MR/DD STATE CASES.

46 1. There is appropriated from the general fund of
47 the state to the department of human services for the
48 fiscal year beginning July 1, 2011, and ending June 30,
49 2012, the following amount, or so much thereof as is
50 necessary, to be used for the purpose designated:

1 For distribution to counties for state case services
2 for persons with mental illness, mental retardation,
3 and developmental disabilities in accordance with
4 section 331.440:

5 \$ 12,169,482

6 2. For the fiscal year beginning July 1, 2011,
7 and ending June 30, 2012, \$200,000 is allocated for
8 state case services from the amounts appropriated from
9 the fund created in section 8.41 to the department
10 of human services from the funds received from the
11 federal government under 42 U.S.C. ch. 6A, subch. XVII,
12 relating to the community mental health center block
13 grant, for the federal fiscal years beginning October
14 1, 2009, and ending September 30, 2010, beginning
15 October 1, 2010, and ending September 30, 2011, and
16 beginning October 1, 2011, and ending September 30,
17 2012. The allocation made in this subsection shall be
18 made prior to any other distribution allocation of the
19 appropriated federal funds.

20 3. Notwithstanding section 8.33, moneys
21 appropriated in this section that remain unencumbered
22 or unobligated at the close of the fiscal year shall
23 not revert but shall remain available for expenditure
24 for the purposes designated until the close of the
25 succeeding fiscal year.

26 Sec. 24. MENTAL HEALTH AND DEVELOPMENTAL
27 DISABILITIES — COMMUNITY SERVICES FUND. There is
28 appropriated from the general fund of the state to the
29 mental health and developmental disabilities community
30 services fund created in section 225C.7 for the fiscal
31 year beginning July 1, 2011, and ending June 30,
32 2012, the following amount, or so much thereof as is
33 necessary, to be used for the purpose designated:

34 For mental health and developmental disabilities
35 community services in accordance with this division of
36 this Act:

37 \$ 14,211,100

38 1. Of the funds appropriated in this section,
39 \$14,187,556 shall be allocated to counties for funding
40 of community-based mental health and developmental
41 disabilities services. The moneys shall be allocated
42 to a county as follows:

43 a. Fifty percent based upon the county's proportion
44 of the state's population of persons with an annual
45 income which is equal to or less than the poverty
46 guideline established by the federal office of
47 management and budget.

48 b. Fifty percent based upon the county's proportion
49 of the state's general population.

50 2. a. A county shall utilize the funding the

1 county receives pursuant to subsection 1 for services
2 provided to persons with a disability, as defined in
3 section 225C.2. However, no more than 50 percent of
4 the funding shall be used for services provided to any
5 one of the service populations.

6 b. A county shall use at least 50 percent of
7 the funding the county receives under subsection 1
8 for contemporary services provided to persons with
9 a disability, as described in rules adopted by the
10 department.

11 3. Of the funds appropriated in this section,
12 \$23,544 shall be used to support the Iowa compass
13 program providing computerized information and referral
14 services for Iowans with disabilities and their
15 families.

16 4. a. Funding appropriated for purposes of the
17 federal social services block grant is allocated for
18 distribution to counties for local purchase of services
19 for persons with mental illness or mental retardation
20 or other developmental disability.

21 b. The funds allocated in this subsection shall be
22 expended by counties in accordance with the county's
23 county management plan approved by the board of
24 supervisors. A county without an approved county
25 management plan shall not receive allocated funds until
26 the county's management plan is approved.

27 c. The funds provided by this subsection shall be
28 allocated to each county as follows:

29 (1) Fifty percent based upon the county's
30 proportion of the state's population of persons with
31 an annual income which is equal to or less than the
32 poverty guideline established by the federal office of
33 management and budget.

34 (2) Fifty percent based upon the amount provided
35 to the county for local purchase of services in the
36 preceding fiscal year.

37 5. A county is eligible for funds under this
38 section if the county qualifies for a state payment as
39 described in section 331.439.

40 6. The latest certified census issued by the United
41 States bureau of the census shall be applied for the
42 population factors utilized in this section.

43 **Sec. 25. SEXUALLY VIOLENT PREDATORS.**

44 1. There is appropriated from the general fund of
45 the state to the department of human services for the
46 fiscal year beginning July 1, 2011, and ending June 30,
47 2012, the following amount, or so much thereof as is
48 necessary, to be used for the purpose designated:

49 For costs associated with the commitment and
50 treatment of sexually violent predators in the unit

1 located at the state mental health institute at
 2 Cherokee, including costs of legal services and
 3 other associated costs, including salaries, support,
 4 maintenance, and miscellaneous purposes, and for not
 5 more than the following full-time equivalent positions:
 6 \$ 7,550,727
 7 FTEs 89.50

8 2. Unless specifically prohibited by law, if the
 9 amount charged provides for recoupment of at least
 10 the entire amount of direct and indirect costs, the
 11 department of human services may contract with other
 12 states to provide care and treatment of persons placed
 13 by the other states at the unit for sexually violent
 14 predators at Cherokee. The moneys received under such
 15 a contract shall be considered to be repayment receipts
 16 and used for the purposes of the appropriation made in
 17 this section.

18 Sec. 26. FIELD OPERATIONS. There is appropriated
 19 from the general fund of the state to the department of
 20 human services for the fiscal year beginning July 1,
 21 2011, and ending June 30, 2012, the following amount,
 22 or so much thereof as is necessary, to be used for the
 23 purposes designated:

24 For field operations, including salaries, support,
 25 maintenance, and miscellaneous purposes, and for not
 26 more than the following full-time equivalent positions:
 27 \$ 55,339,921
 28 FTEs 1,781.00

29 Priority in filling full-time equivalent positions
 30 shall be given to those positions related to child
 31 protection services and eligibility determination for
 32 low-income families.

33 Sec. 27. GENERAL ADMINISTRATION. There is
 34 appropriated from the general fund of the state to
 35 the department of human services for the fiscal year
 36 beginning July 1, 2011, and ending June 30, 2012, the
 37 following amount, or so much thereof as is necessary,
 38 to be used for the purpose designated:

39 For general administration, including salaries,
 40 support, maintenance, and miscellaneous purposes, and
 41 for not more than the following full-time equivalent
 42 positions:
 43 \$ 15,146,745
 44 FTEs 290.00

45 1. Of the funds appropriated in this section,
 46 \$38,543 allocated for the prevention of disabilities
 47 policy council established in section 225B.3.

48 2. The department shall report at least monthly
 49 to the legislative services agency concerning the
 50 department's operational and program expenditures.

1 3. Of the funds appropriated in this section,
2 \$132,300 shall be used to contract with a statewide
3 association representing community providers of mental
4 health, mental retardation and brain injury services
5 programs to provide technical assistance, support, and
6 consultation to providers of habilitation services and
7 home and community-based waiver services for adults
8 with disabilities under the medical assistance program.
9 Notwithstanding section 8.47 or any other provision of
10 law to the contrary, the department may utilize a sole
11 source approach to contract with the association.

12 4. Of the funds appropriated in this section,
13 \$176,400 shall be used to contract with an appropriate
14 entity to expand the provision of nationally accredited
15 and recognized internet-based training to include
16 mental health and disability services providers.
17 Notwithstanding section 8.47 or any other provision of
18 law to the contrary, the department may utilize a sole
19 site source approach to enter into such contract.

20 5. Of the funds appropriated in this section,
21 \$500,000 shall be used for implementation of child
22 protection system improvements addressed in 2011 Iowa
23 Acts, House File 562, as enacted.

24 Sec. 28. VOLUNTEERS. There is appropriated from
25 the general fund of the state to the department of
26 human services for the fiscal year beginning July 1,
27 2011, and ending June 30, 2012, the following amount,
28 or so much thereof as is necessary, to be used for the
29 purpose designated:

30 For development and coordination of volunteer
31 services:
32 \$ 84,660

33 Sec. 29. MEDICAL ASSISTANCE, STATE SUPPLEMENTARY
34 ASSISTANCE, AND SOCIAL SERVICE PROVIDERS REIMBURSED
35 UNDER THE DEPARTMENT OF HUMAN SERVICES.

36 1. a. (1) For the fiscal year beginning July 1,
37 2011, the total state funding amount for the nursing
38 facility budget shall not exceed \$225,502,551.

39 (2) For the fiscal year beginning July 1, 2011,
40 the department shall rebase case-mix nursing facility
41 rates effective July 1, 2011. However, total nursing
42 facility budget expenditures, including both case-mix
43 and noncase-mix shall not exceed the amount specified
44 in subparagraph (1). When calculating case-mix per
45 diem cost and the patient-day-weighted medians used in
46 rate-setting for nursing facilities effective July 1,
47 2011, the inflation factor applied from the midpoint
48 of the cost report period to the first day of the
49 state fiscal year rate period shall be adjusted to
50 maintain state funding within the amount specified in

1 subparagraph (1).

2 (3) The department, in cooperation with nursing
3 facility representatives, shall review projections for
4 state funding expenditures for reimbursement of nursing
5 facilities on a quarterly basis and the department
6 shall determine if an adjustment to the medical
7 assistance reimbursement rate is necessary in order to
8 provide reimbursement within the state funding amount
9 for the fiscal year. Notwithstanding 2001 Iowa Acts,
10 chapter 192, section 4, subsection 2, paragraph "c",
11 and subsection 3, paragraph "a", subparagraph (2), if
12 the state funding expenditures for the nursing facility
13 budget for the fiscal year is projected to exceed the
14 amount specified in subparagraph (1), the department
15 shall adjust the reimbursement for nursing facilities
16 reimbursed under the case-mix reimbursement system to
17 maintain expenditures of the nursing facility budget
18 within the specified amount for the fiscal year.

19 (4) For the fiscal year beginning July 1, 2011,
20 special population nursing facilities shall be
21 reimbursed in accordance with the methodology in effect
22 on June 30, 2011.

23 b. For the fiscal year beginning July 1, 2011, the
24 department shall reimburse pharmacy dispensing fees
25 using a single rate of \$4.34 per prescription or the
26 pharmacy's usual and customary fee, whichever is lower.
27 However, the department shall adjust the dispensing fee
28 specified in this paragraph to distribute an additional
29 \$3,000,000 in reimbursements for pharmacy dispensing
30 fees under this paragraph for the fiscal year.

31 c. (1) For the fiscal year beginning July 1, 2011,
32 reimbursement rates for outpatient hospital services
33 shall be rebased effective January 1, 2012.

34 (2) For the fiscal year beginning July 1, 2011,
35 reimbursement rates for inpatient hospital services
36 shall be rebased effective October 1, 2011.

37 (3) The total amount of increased funding available
38 for reimbursement attributable to rebasing under this
39 paragraph for the fiscal year beginning July 1, 2011,
40 shall not exceed \$4,500,000.

41 (4) For the fiscal year beginning July 1, 2011,
42 the graduate medical education and disproportionate
43 share hospital fund shall remain at the amount in
44 effect on June 30, 2011, except that the portion of
45 the fund attributable to graduate medical education
46 shall be reduced in an amount that reflects the
47 elimination of graduate medical education payments made
48 to out-of-state hospitals.

49 (5) In order to ensure the efficient use of limited
50 state funds in procuring health care services for

1 low-income Iowans, funds appropriated in this division
2 of this Act for hospital services shall not be used for
3 activities which would be excluded from a determination
4 of reasonable costs under the federal Medicare program
5 pursuant to 42 U.S.C. § 1395X(v)(1)(N).

6 d. For the fiscal year beginning July 1, 2011,
7 reimbursement rates for rural health clinics, hospices,
8 and acute mental hospitals shall be increased in
9 accordance with increases under the federal Medicare
10 program or as supported by their Medicare audited
11 costs.

12 e. For the fiscal year beginning July 1, 2011,
13 independent laboratories and rehabilitation agencies
14 shall be reimbursed using the same methodology in
15 effect on June 30, 2011.

16 f. For the fiscal year beginning July 1, 2011,
17 reimbursement rates for home health agencies shall
18 remain at the rates in effect on June 30, 2011, not to
19 exceed a home health agency's actual allowable cost.

20 g. For the fiscal year beginning July 1, 2011,
21 federally qualified health centers shall receive
22 cost-based reimbursement for 100 percent of the
23 reasonable costs for the provision of services to
24 recipients of medical assistance.

25 h. For the fiscal year beginning July 1, 2011, the
26 reimbursement rates for dental services shall remain at
27 the rates in effect on June 30, 2011.

28 i. (1) For the fiscal year beginning July 1,
29 2011, state-owned psychiatric medical institutions
30 for children shall receive cost-based reimbursement
31 for 100 percent of the actual and allowable costs for
32 the provision of services to recipients of medical
33 assistance.

34 (2) (a) For nonstate-owned psychiatric medical
35 institutions for children, reimbursement rates
36 shall remain at the rates in effect on June 30,
37 2011. However, the department shall adjust the
38 reimbursement rates in effect on June 30, 2011, to
39 distribute an additional \$350,000 in reimbursements for
40 nonstate-owned psychiatric medical institutions for
41 children under this subparagraph (2) for the fiscal
42 year. Of the additional \$350,000, the department shall
43 distribute \$50,000 in reimbursements to qualified
44 outpatient services providers. For the purposes of
45 this subparagraph division (a), "qualified outpatient
46 services provider" means a nonprofit agency holding
47 an Iowa psychiatric medical institution for children
48 license that has an outpatient clinic for children's
49 mental health services in operation on or before
50 January 1, 2011, and whose client base consists

1 of at least 40 percent medical assistance program
2 enrollees. The additional \$50,000 shall be distributed
3 to qualified outpatient services providers based on
4 reimbursement at the federal maximum allowable rate for
5 mental health outpatient services for children.

6 (b) The department, in consultation with
7 representatives of the nonstate-owned psychiatric
8 medical institutions for children, shall develop a
9 reimbursement methodology to include all ancillary
10 medical services costs and any other changes required
11 for federal compliance, to be implemented on July
12 1, 2012. To the extent possible, the reimbursement
13 methodology shall be developed in a manner so as to be
14 budget neutral to the institutions and cost effective
15 for the state.

16 j. For the fiscal year beginning July 1, 2011,
17 unless otherwise specified in the health and human
18 services divisions of this Act, all noninstitutional
19 medical assistance provider reimbursement rates shall
20 remain at the rates in effect on June 30, 2011, except
21 for area education agencies, local education agencies,
22 infant and toddler services providers, and those
23 providers whose rates are required to be determined
24 pursuant to section 249A.20.

25 k. Notwithstanding any provision to the contrary,
26 for the fiscal year beginning July 1, 2011, the
27 reimbursement rate for anesthesiologists shall remain
28 at the rate in effect on June 30, 2011.

29 l. Notwithstanding section 249A.20, for the fiscal
30 year beginning July 1, 2011, the average reimbursement
31 rate for health care providers eligible for use of the
32 federal Medicare resource-based relative value scale
33 reimbursement methodology under that section shall
34 remain at the rate in effect on June 30, 2011; however,
35 this rate shall not exceed the maximum level authorized
36 by the federal government.

37 m. For the fiscal year beginning July 1, 2011, the
38 reimbursement rate for residential care facilities
39 shall not be less than the minimum payment level as
40 established by the federal government to meet the
41 federally mandated maintenance of effort requirement.
42 The flat reimbursement rate for facilities electing not
43 to file annual cost reports shall not be less than the
44 minimum payment level as established by the federal
45 government to meet the federally mandated maintenance
46 of effort requirement.

47 n. For the fiscal year beginning July 1, 2011,
48 inpatient mental health services provided at hospitals
49 shall be rebased effective October 1, 2011, subject to
50 Medicaid program upper payment limit rules; community

1 mental health centers and providers of mental health
2 services to county residents pursuant to a waiver
3 approved under section 225C.7, subsection 3, shall be
4 reimbursed at 100 percent of the reasonable costs for
5 the provision of services to recipients of medical
6 assistance; and psychiatrists shall be reimbursed at
7 the medical assistance program fee for service rate.

8 o. For the fiscal year beginning July 1, 2011, the
9 reimbursement rate for consumer-directed attendant care
10 shall remain at the rates in effect on June 30, 2011.

11 p. For the fiscal year beginning July 1, 2011, the
12 reimbursement rate for providers of family planning
13 services that are eligible to receive a 90 percent
14 federal match shall remain at the rates in effect on
15 June 30, 2011.

16 q. For the fiscal year beginning July 1, 2011, the
17 department shall adjust the rates in effect on June
18 30, 2011, for providers of home and community-based
19 services waiver services to distribute an additional
20 \$1,500,000 in reimbursements to such providers for the
21 fiscal year.

22 2. For the fiscal year beginning July 1, 2011, the
23 reimbursement rate for providers reimbursed under the
24 in-home-related care program shall not be less than the
25 minimum payment level as established by the federal
26 government to meet the federally mandated maintenance
27 of effort requirement.

28 3. Unless otherwise directed in this section, when
29 the department's reimbursement methodology for any
30 provider reimbursed in accordance with this section
31 includes an inflation factor, this factor shall not
32 exceed the amount by which the consumer price index for
33 all urban consumers increased during the calendar year
34 ending December 31, 2002.

35 4. For the fiscal year beginning July 1, 2011,
36 notwithstanding section 234.38, the foster family basic
37 daily maintenance rate and the maximum adoption subsidy
38 rate for children ages 0 through 5 years shall be
39 \$15.74, the rate for children ages 6 through 11 years
40 shall be \$16.37, the rate for children ages 12 through
41 15 years shall be \$17.92, and the rate for children
42 and young adults ages 16 and older shall be \$18.16.
43 The maximum supervised apartment living foster care
44 reimbursement rate shall be \$25.00 per day. For youth
45 ages 18 to 21 who have exited foster care, the maximum
46 preparation for adult living program maintenance rate
47 shall be \$574.00 per month. The maximum payment for
48 adoption subsidy nonrecurring expenses shall be limited
49 to \$500 and the disallowance of additional amounts
50 for court costs and other related legal expenses

1 implemented pursuant to 2010 Iowa Acts, chapter 1031,
2 section 408 shall be continued.

3 5. For the fiscal year beginning July 1, 2011,
4 the maximum reimbursement rates under the supervised
5 apartment living program and for social services
6 providers under contract shall remain at the rates
7 in effect on June 30, 2011, or the provider's actual
8 and allowable cost plus inflation for each service,
9 whichever is less. However, if a new service or
10 service provider is added after June 30, 2011, the
11 initial reimbursement rate for the service or provider
12 shall be based upon actual and allowable costs.
13 Providers may also be eligible for an additional
14 amount as specified under the department's request for
15 proposal, bid number ACFS-11-115.

16 6. For the fiscal year beginning July 1, 2011,
17 the reimbursement rates for family-centered service
18 providers, family foster care service providers, group
19 foster care service providers, and the resource family
20 recruitment and retention contractor shall remain at
21 the rates in effect on June 30, 2011.

22 7. The group foster care reimbursement rates
23 paid for placement of children out of state shall
24 be calculated according to the same rate-setting
25 principles as those used for in-state providers,
26 unless the director of human services or the director's
27 designee determines that appropriate care cannot be
28 provided within the state. The payment of the daily
29 rate shall be based on the number of days in the
30 calendar month in which service is provided.

31 8. a. For the fiscal year beginning July 1, 2011,
32 the reimbursement rate paid for shelter care and
33 the child welfare emergency services implemented to
34 provide or prevent the need for shelter care shall be
35 established in a contract based on the requirements
36 of the department's request for proposal, bid number
37 ACFS-11-114.

38 b. For the fiscal year beginning July 1, 2011,
39 the combined service and maintenance components of
40 the reimbursement rate paid for shelter care services
41 shall be based on the financial and statistical report
42 submitted to the department. The maximum reimbursement
43 rate shall be \$92.36 per day. The department shall
44 reimburse a shelter care provider at the provider's
45 actual and allowable unit cost, plus inflation, not to
46 exceed the maximum reimbursement rate.

47 c. Notwithstanding section 232.141, subsection 8,
48 for the fiscal year beginning July 1, 2011, the amount
49 of the statewide average of the actual and allowable
50 rates for reimbursement of juvenile shelter care homes

1 that is utilized for the limitation on recovery of
2 unpaid costs shall remain at the amount in effect for
3 this purpose in the fiscal year beginning July 1, 2010.

4 9. For the fiscal year beginning July 1, 2011, the
5 department shall calculate reimbursement rates for
6 intermediate care facilities for persons with mental
7 retardation at the 80th percentile. Beginning July 1,
8 2011, the rate calculation methodology shall utilize
9 the consumer price index inflation factor applicable to
10 the fiscal year beginning July 1, 2011.

11 10. For the fiscal year beginning July 1, 2011,
12 for child care providers reimbursed under the state
13 child care assistance program, the department shall
14 set provider reimbursement rates based on the rate
15 reimbursement survey completed in December 2004.
16 Effective July 1, 2011, the child care provider
17 reimbursement rates shall remain at the rates in effect
18 on June 30, 2011. The department shall set rates in a
19 manner so as to provide incentives for a nonregistered
20 provider to become registered by applying the increase
21 only to registered and licensed providers.

22 11. The department may adopt emergency rules to
23 implement this section.

24 Sec. 30. EMERGENCY RULES.

25 1. If specifically authorized by a provision of
26 this division of this Act, the department of human
27 services or the mental health, and disability services
28 commission may adopt administrative rules under section
29 17A.4, subsection 3, and section 17A.5, subsection
30 2, paragraph "b", to implement the provisions and
31 the rules shall become effective immediately upon
32 filing or on a later effective date specified in the
33 rules, unless the effective date is delayed by the
34 administrative rules review committee. Any rules
35 adopted in accordance with this section shall not
36 take effect before the rules are reviewed by the
37 administrative rules review committee. The delay
38 authority provided to the administrative rules review
39 committee under section 17A.4, subsection 7, and
40 section 17A.8, subsection 9, shall be applicable to a
41 delay imposed under this section, notwithstanding a
42 provision in those sections making them inapplicable
43 to section 17A.5, subsection 2, paragraph "b". Any
44 rules adopted in accordance with the provisions of this
45 section shall also be published as notice of intended
46 action as provided in section 17A.4.

47 2. If during the fiscal year beginning July 1,
48 2011, the department of human services is adopting
49 rules in accordance with this section or as otherwise
50 directed or authorized by state law, and the rules will

1 result in an expenditure increase beyond the amount
2 anticipated in the budget process or if the expenditure
3 was not addressed in the budget process for the
4 fiscal year, the department shall notify the persons
5 designated by this division of this Act for submission
6 of reports, the chairpersons and ranking members of
7 the committees on appropriations, and the department
8 of management concerning the rules and the expenditure
9 increase. The notification shall be provided at least
10 30 calendar days prior to the date notice of the rules
11 is submitted to the administrative rules coordinator
12 and the administrative code editor.

13 Sec. 31. CIVIL MONETARY PENALTIES — DIRECT CARE
14 WORKER INITIATIVES PROPOSAL. The department of human
15 services shall develop a proposal, in collaboration
16 with the department of public health, requesting
17 federal approval for the use of a portion of the
18 funds received by the department of human services as
19 civil monetary penalties from nursing facilities to
20 support direct care worker initiatives that enhance the
21 quality of care in nursing facilities. The proposal
22 shall request use of the funds for direct care worker
23 initiatives based on recommendations of the direct care
24 worker task force established pursuant to 2005 Iowa
25 Acts, chapter 88, as included in the report submitted
26 to the governor and the general assembly in December
27 2006. Upon completion of the proposal, the department
28 of human services shall submit the proposal to the
29 centers for Medicare and Medicaid services of the
30 United States department of health and human services
31 for approval. The department of human services shall
32 notify the persons designated in this division of this
33 Act for submission of reports upon receipt of approval
34 of the proposal.

35 Sec. 32. FEDERAL GRANTS REPORTING. During the
36 fiscal year beginning July 1, 2011, the departments
37 and agencies receiving an appropriation in the health
38 and human services divisions of this Act from the
39 general fund of the state shall report to the persons
40 designated by this division of this Act for submission
41 of reports and the department of management within 60
42 calendar days of applying for or renewing a federal
43 grant with a value over \$1,000. The report shall list
44 the federal funding source and address the potential
45 need for the commitment of state funding in order to
46 match or continue the funding provided by the federal
47 grant in the present or the future.

48 Sec. 33. REPORTS. Any reports or information
49 required to be compiled and submitted under the health
50 and human services divisions of this Act shall be

1 submitted to the chairpersons and ranking members of
2 the joint appropriations subcommittee on health and
3 human services, the legislative services agency, and
4 the legislative caucus staffs on or before the dates
5 specified for submission of the reports or information.

6 Sec. 34. EFFECTIVE DATE. The following provision
7 of this division of this Act, being deemed of immediate
8 importance, take effect upon enactment:

9 The provision under the appropriation for child and
10 family services, relating to requirements of section
11 232.143 for representatives of the department of human
12 services and juvenile court services to establish a
13 plan for continuing group foster care expenditures for
14 fiscal year 2011-2012.

15 DIVISION V
16 HEALTH AND HUMAN SERVICES
17 PHARMACEUTICAL SETTLEMENT ACCOUNT,
18 IOWACARE ACCOUNT, NONPARTICIPATING PROVIDER
19 REIMBURSEMENT FUND, HEALTH CARE
20 TRANSFORMATION ACCOUNT, MEDICAID FRAUD ACCOUNT,
21 QUALITY ASSURANCE TRUST FUND,
22 AND HOSPITAL HEALTH CARE ACCESS TRUST FUND

23 Sec. 35. PHARMACEUTICAL SETTLEMENT ACCOUNT. There
24 is appropriated from the pharmaceutical settlement
25 account created in section 249A.33 to the department of
26 human services for the fiscal year beginning July 1,
27 2011, and ending June 30, 2012, the following amount,
28 or so much thereof as is necessary, to be used for the
29 purpose designated:

30 Notwithstanding any provision of law to the
31 contrary, to supplement the appropriations made in the
32 department of human services division of this Act for
33 medical contracts under the medical assistance program
34 for the same fiscal year:

35 \$ 5,433,613

36 Sec. 36. APPROPRIATIONS FROM IOWACARE ACCOUNT.

37 1. There is appropriated from the IowaCare account
38 created in section 249J.24 to the state board of
39 regents for distribution to the university of Iowa
40 hospitals and clinics for the fiscal year beginning
41 July 1, 2011, and ending June 30, 2012, the following
42 amount, or so much thereof as is necessary, to be used
43 for the purposes designated:

44 For salaries, support, maintenance, equipment, and
45 miscellaneous purposes, for the provision of medical
46 and surgical treatment of indigent patients, for
47 provision of services to members of the expansion
48 population pursuant to chapter 249J, and for medical
49 education:

50 \$ 27,284,584

1 a. Funds appropriated in this subsection shall
2 not be used to perform abortions except medically
3 necessary abortions, and shall not be used to operate
4 the early termination of pregnancy clinic except for
5 the performance of medically necessary abortions. For
6 the purpose of this subsection, medically necessary
7 abortions are those performed under any of the
8 following conditions:

9 (1) The attending physician certifies that
10 continuing the pregnancy would endanger the life of the
11 pregnant woman.

12 (2) Any spontaneous abortion, commonly known as a
13 miscarriage, if not all of the products of conception
14 are expelled.

15 b. Notwithstanding any provision of law to the
16 contrary, the amount appropriated in this subsection
17 shall be distributed based on claims submitted,
18 adjudicated, and paid by the Iowa Medicaid enterprise.

19 c. The university of Iowa hospitals and clinics
20 shall certify public expenditures in an amount equal
21 to provide the nonfederal share on total expenditures
22 not to exceed \$20,000,000.

23 2. There is appropriated from the IowaCare account
24 created in section 249J.24 to the state board of
25 regents for distribution to the university of Iowa
26 hospitals and clinics for the fiscal year beginning
27 July 1, 2011, and ending June 30, 2012, the following
28 amount, or so much thereof as is necessary, to be used
29 for the purposes designated:

30 For salaries, support, maintenance, equipment, and
31 miscellaneous purposes, for the provision of medical
32 and surgical treatment of indigent patients, for
33 provision of services to members of the expansion
34 population pursuant to chapter 249J, and for medical
35 education:
36 \$ 44,226,279

37 Notwithstanding any provision of law to the
38 contrary, the amount appropriated in this subsection
39 shall be distributed based on claims submitted,
40 adjudicated, and paid by the Iowa Medicaid enterprise.

41 3. There is appropriated from the IowaCare account
42 created in section 249J.24, to the state board
43 of regents for distribution to university of Iowa
44 physicians for the fiscal year beginning July 1, 2011,
45 and ending June 30, 2012, the following amount, or
46 so much thereof as is necessary to be used for the
47 purposes designated:

48 For salaries, support, maintenance, equipment, and
49 miscellaneous purposes for the provision of medical and
50 surgical treatment of indigent patients, for provision

1 of services to members of the expansion population
2 pursuant to chapter 249J, and for medical education:
3 \$ 16,277,753

4 Notwithstanding any provision of law to the
5 contrary, the amount appropriated in this subsection
6 shall be distributed based on claims submitted,
7 adjudicated, and paid by the Iowa Medicaid enterprise.
8 Once the entire amount appropriated in this subsection
9 has been distributed, claims shall continue to
10 be submitted and adjudicated by the Iowa Medicaid
11 enterprise; however, no payment shall be made based
12 upon such claims.

13 4. There is appropriated from the IowaCare account
14 created in section 249J.24 to the department of human
15 services for the fiscal year beginning July 1, 2011,
16 and ending June 30, 2012, the following amount, or
17 so much thereof as is necessary, to be used for the
18 purposes designated:

19 For distribution to a publicly owned acute care
20 teaching hospital located in a county with a population
21 over 350,000 for the provision of medical and surgical
22 treatment of indigent patients, for provision of
23 services to members of the expansion population
24 pursuant to chapter 249J, and for medical education:
25 \$ 65,000,000

26 a. Notwithstanding any provision of law to the
27 contrary, the amount appropriated in this subsection
28 shall be distributed based on claims submitted,
29 adjudicated, and paid by the Iowa Medicaid enterprise
30 plus a monthly disproportionate share hospital payment.
31 Any amount appropriated in this subsection in excess
32 of \$60,000,000 shall be distributed only if the sum of
33 the expansion population claims adjudicated and paid
34 by the Iowa Medicaid enterprise plus the estimated
35 disproportionate share hospital payments exceeds
36 \$60,000,000. The amount paid in excess of \$60,000,000
37 shall not adjust the original monthly payment amount
38 but shall be distributed monthly based on actual
39 claims adjudicated and paid by the Iowa Medicaid
40 enterprise plus the estimated disproportionate share
41 hospital amount. Any amount appropriated in this
42 subsection in excess of \$60,000,000 shall be allocated
43 only if federal funds are available to match the
44 amount allocated. Pursuant to paragraph "b", of the
45 amount appropriated in this subsection, not more than
46 \$4,000,000 shall be distributed for prescription drugs
47 and podiatry services.

48 b. Notwithstanding any provision of law to the
49 contrary, the hospital identified in this subsection,
50 shall be reimbursed for outpatient prescription drugs

1 and podiatry services provided to members of the
2 expansion population pursuant to all applicable medical
3 assistance program rules, in an amount not to exceed
4 \$4,000,000.

5 c. Notwithstanding the total amount of proceeds
6 distributed pursuant to section 249J.24, subsection 4,
7 paragraph "a", unnumbered paragraph 1, for the fiscal
8 year beginning July 1, 2011, and ending June 30, 2012,
9 the county treasurer of a county with a population
10 of over 350,000 in which a publicly owned acute care
11 teaching hospital is located shall distribute the
12 proceeds collected pursuant to section 347.7 in a
13 total amount of \$38,000,000, which would otherwise be
14 distributed to the county hospital, to the treasurer of
15 state for deposit in the IowaCare account.

16 d. (1) Notwithstanding the amount collected
17 and distributed for deposit in the IowaCare account
18 pursuant to section 249J.24, subsection 4, paragraph
19 "a", subparagraph (1), the first \$19,000,000 in
20 proceeds collected pursuant to section 347.7 between
21 July 1, 2011, and December 31, 2011, shall be
22 distributed to the treasurer of state for deposit in
23 the IowaCare account and collections during this time
24 period in excess of \$19,000,000 shall be distributed
25 to the acute care teaching hospital identified in
26 this subsection. Of the collections in excess of
27 the \$19,000,000 received by the acute care teaching
28 hospital under this subparagraph (1), \$2,000,000 shall
29 be distributed by the acute care teaching hospital to
30 the treasurer of state for deposit in the IowaCare
31 account in the month of January 2012, following the
32 July 1 through December 31, 2011, period.

33 (2) Notwithstanding the amount collected and
34 distributed for deposit in the IowaCare account
35 pursuant to section 249J.24, subsection 4, paragraph
36 "a", subparagraph (2), the first \$19,000,000 in
37 collections pursuant to section 347.7 between January
38 1, 2012, and June 30, 2012, shall be distributed to
39 the treasurer of state for deposit in the IowaCare
40 account and collections during this time period in
41 excess of \$19,000,000 shall be distributed to the acute
42 care teaching hospital identified in this subsection.
43 Of the collections in excess of the \$19,000,000
44 received by the acute care teaching hospital under this
45 subparagraph (2), \$2,000,000 shall be distributed by
46 the acute care teaching hospital to the treasurer of
47 state for deposit in the IowaCare account in the month
48 of July 2012, following the January 1 through June 30,
49 2012, period.

50 5. There is appropriated from the IowaCare account

1 created in section 249J.24 to the department of human
2 services for the fiscal year beginning July 1, 2011,
3 and ending June 30, 2012, the following amount, or so
4 much thereof as is necessary to be used for the purpose
5 designated:

6 For payment to the regional provider network
7 specified by the department pursuant to section 249J.7
8 for provision of covered services to members of the
9 expansion population pursuant to chapter 249J:

10 \$ 3,472,176

11 Notwithstanding any provision of law to the
12 contrary, the amount appropriated in this subsection
13 shall be distributed based on claims submitted,
14 adjudicated, and paid by the Iowa Medicaid enterprise.
15 Once the entire amount appropriated in this subsection
16 has been distributed, claims shall continue to
17 be submitted and adjudicated by the Iowa Medicaid
18 enterprise; however, no payment shall be made based
19 upon such claims.

20 6. There is appropriated from the IowaCare account
21 created in section 249J.24 to the department of human
22 services for the fiscal year beginning July 1, 2011,
23 and ending June 30, 2012, the following amount, or
24 so much thereof as is necessary to be used for the
25 purposes designated:

26 For a care coordination pool to pay the expansion
27 population providers consisting of the university of
28 Iowa hospitals and clinics, the publicly owned acute
29 care teaching hospital as specified in section 249J.7,
30 and current medical assistance program providers that
31 are not expansion population network providers pursuant
32 to section 249J.7, for services covered by the full
33 benefit medical assistance program but not under the
34 IowaCare program pursuant to section 249J.6, that are
35 provided to expansion population members:

36 \$ 1,500,000

37 a. Notwithstanding sections 249J.6 and 249J.7,
38 the amount appropriated in this subsection is
39 intended to provide payment for medically necessary
40 services provided to expansion population members for
41 continuation of care provided by the university of
42 Iowa hospitals and clinics or the publicly owned acute
43 care teaching hospital as specified in section 249J.7.
44 Payment may only be made for services that are not
45 otherwise covered under section 249J.6, and which are
46 follow-up services to covered services provided by the
47 hospitals specified in this paragraph "a".

48 b. The funds appropriated in this subsection are
49 intended to provide limited payment for continuity
50 of care services for an expansion population member,

1 and are intended to cover the costs of services
2 to expansion population members, regardless of
3 the member's county of residence or medical home
4 assignment, if the care is related to specialty or
5 hospital services provided by the hospitals specified
6 in paragraph "a".

7 c. The funds appropriated in this subsection are
8 not intended to provide for expanded coverage under
9 the IowaCare program, and shall not be used to cover
10 emergency transportation services.

11 d. The department shall adopt administrative
12 rules pursuant to chapter 17A to establish a prior
13 authorization process and to identify covered services
14 for reimbursement under this subsection.

15 7. There is appropriated from the IowaCare account
16 created in section 249J.24 to the department of human
17 services for the fiscal year beginning July 1, 2011,
18 and ending June 30, 2012, the following amount or
19 so much thereof as is necessary to be used for the
20 purposes designated:

21 For a laboratory test and radiology pool for
22 services authorized by a federally qualified health
23 center designated by the department as part of the
24 IowaCare regional provider network that does not have
25 the capability to provide these services on site:
26 \$ 500,000

27 Notwithstanding sections 249J.6 and 249J.7, the
28 amount appropriated in this subsection is intended
29 to provide reimbursement for services provided to
30 expansion population members that have previously
31 been paid for through expenditure by designated
32 regional provider network providers of their own
33 funds, not to expand coverage under the IowaCare
34 program or to expand the expansion population
35 provider network. The department shall designate the
36 laboratory and radiology provider associated with
37 each designated regional provider network provider
38 that may receive reimbursement. The department shall
39 adopt administrative rules pursuant to chapter 17A
40 to establish a prior authorization process and to
41 identify covered services for reimbursement under this
42 subsection. All other medical assistance program
43 payment policies and rules for laboratory and radiology
44 services shall apply to services provided under this
45 subsection. If the entire amount appropriated under
46 this subsection is expended, laboratory tests and
47 radiology services ordered by a designated regional
48 provider network provider shall be the financial
49 responsibility of the regional provider network
50 provider.

1 teaching hospital located in a county with a population
2 of over 350,000 that is a participating provider
3 pursuant to chapter 249J:

4 \$ 290,000

5 Disbursements under this subsection shall be made
6 monthly. The hospital shall submit a report following
7 the close of the fiscal year regarding use of the
8 funds appropriated in this subsection to the persons
9 specified in this Act to receive reports.

10 9. For transfer to the department of public
11 health to be used for the costs of medical home
12 system advisory council established pursuant to
13 section 135.159, including for the incorporation of
14 the work and duties of the prevention and chronic
15 care management advisory council pursuant to section
16 135.161, as amended by the FY 2011-2012 health and
17 human services divisions of this Act:

18 \$ 233,357

19 10. For implementation of a uniform cost report:

20 \$ 100,000

21 The uniform cost report shall be used in the
22 development of specified Medicaid reimbursement rates
23 over a multiyear timeframe. The department of human
24 services, in collaboration with affected providers,
25 shall finalize a uniform cost report that includes
26 provider type-specific cost schedules by December 15,
27 2011. The uniform cost report shall be applied to
28 providers of home and community-based services waiver
29 services, habilitation services, case management
30 services and community mental health centers,
31 residential care facilities, psychiatric medical
32 institutions for children, and intermediate care
33 facilities for the mentally retarded in the development
34 of Medicaid reimbursement rates. The department
35 shall collaborate with affected Medicaid providers to
36 test the effectiveness of the uniform cost report and
37 determine the fiscal impact of implementing the uniform
38 cost report during the fiscal year beginning July 1,
39 2012. A report of the findings and fiscal impact shall
40 be submitted to the governor and the general assembly
41 by December 31, 2013. The rates paid in the fiscal
42 year beginning July 1, 2014, shall be established
43 using uniform cost reports submitted in the fiscal
44 year beginning July 1, 2012. Implementation of the
45 uniform cost report shall be limited to the extent of
46 the funding available.

47 11. For implementation of an electronic medical
48 records system:

49 \$ 100,000

50 a. The implementation of an electronic medical

1 records system shall include system purchase or
2 development for home and community-based services
3 providers and mental health services providers that
4 comply with the requirements of federal and state laws
5 and regulation by the fiscal year beginning July 1,
6 2013.

7 b. The department shall analyze the costs and
8 benefits of providing an electronic medical records and
9 billing system for home and community-based services
10 providers and mental health services providers that
11 comply with the requirements of federal and state laws
12 and regulation. The analysis shall include a review of
13 all of the following: including the capability for an
14 electronic medical records and billing system within
15 the procurement for the Medicaid management information
16 system, developing the system, and utilizing capacity
17 within the health information network established
18 by the department of public health. If the analysis
19 demonstrates that a program may be implemented in a
20 cost-effective manner and within available funds,
21 the department may take steps to implement such a
22 system. The department shall report the results of
23 the analysis, activities, and recommendations to the
24 persons designated in the department of human services
25 division of this Act for submission of reports by
26 December 15, 2011.

27 c. Notwithstanding section 8.33, funds allocated in
28 this subsection that remain unencumbered or unobligated
29 at the close of the fiscal year shall not revert but
30 shall remain available in succeeding fiscal years to be
31 used for the purposes designated.

32 Notwithstanding section 8.39, subsection 1, without
33 the prior written consent and approval of the governor
34 and the director of the department of management, the
35 director of human services may transfer funds among
36 the appropriations made in this section as necessary
37 to carry out the purposes of the account for health
38 care transformation. The department shall report
39 any transfers made pursuant to this section to the
40 legislative services agency.

41 Sec. 39. MEDICAID FRAUD ACCOUNT — DEPARTMENT OF
42 INSPECTIONS AND APPEALS. There is appropriated from
43 the Medicaid fraud account created in section 249A.7
44 to the department of inspections and appeals for the
45 fiscal year beginning July 1, 2011, and ending June 30,
46 2012, the following amount, or so much thereof as is
47 necessary, to be used for the purposes designated:

48 For the inspection and certification of assisted
49 living programs and adult day care services, including
50 program administration and costs associated with

1 implementation:
2 \$ 1,339,527

3 Sec. 40. MEDICAID FRAUD ACCOUNT — DEPARTMENT
4 OF HUMAN SERVICES. There is appropriated from the
5 Medicaid fraud account created in section 249A.7 to
6 the department of human services for the fiscal year
7 beginning July 1, 2011, and ending June 30, 2012, the
8 following amount, or so much thereof as is necessary,
9 to be used for the purposes designated:

10 To supplement the appropriation made in the
11 department of human services division of this Act
12 from the general fund of the state to the department
13 of human services for medical assistance for the same
14 fiscal year:

15 \$ 2,000,000

16 Sec. 41. QUALITY ASSURANCE TRUST FUND — DEPARTMENT
17 OF HUMAN SERVICES. Notwithstanding any provision to
18 the contrary and subject to the availability of funds,
19 there is appropriated from the quality assurance trust
20 fund created in section 249L.4 to the department of
21 human services for the fiscal year beginning July 1,
22 2011, and ending June 30, 2012, the following amounts,
23 or so much thereof as is necessary for the purposes
24 designated:

25 To supplement the appropriation made in the
26 department of human services division of this Act
27 from the general fund of the state to the department
28 of human services for medical assistance for the same
29 fiscal year:

30 \$ 29,000,000

31 Sec. 42. HOSPITAL HEALTH CARE ACCESS TRUST FUND
32 — DEPARTMENT OF HUMAN SERVICES. Notwithstanding
33 any provision to the contrary and subject to the
34 availability of funds, there is appropriated from
35 the hospital health care access trust fund created in
36 section 249M.4 to the department of human services for
37 the fiscal year beginning July 1, 2011, and ending June
38 30, 2012, the following amounts, or so much thereof as
39 is necessary, for the purposes designated:

40 1. To supplement the appropriation made in the
41 department of human services division of this Act
42 from the general fund of the state to the department
43 of human services for medical assistance for the same
44 fiscal year:

45 \$ 39,223,800

46 2. For deposit in the nonparticipating provider
47 reimbursement fund created in section 249J.24A to be
48 used for the purposes of the fund:

49 \$ 776,200

50 Sec. 43. MEDICAL ASSISTANCE PROGRAM — NONREVERSION

1 FOR FY 2011-2012. Notwithstanding section 8.33,
2 if moneys appropriated for purposes of the medical
3 assistance program for the fiscal year beginning July
4 1, 2011, and ending June 30, 2012, in the health and
5 human services divisions of this Act from the general
6 fund of the state, the Medicaid fraud account, the
7 quality assurance trust fund, and the hospital health
8 care access trust fund, are in excess of actual
9 expenditures for the medical assistance program and
10 remain unencumbered or unobligated at the close of the
11 fiscal year, the excess moneys shall not revert but
12 shall remain available for expenditure for the purposes
13 of the medical assistance program until the close of
14 the succeeding fiscal year.

15 DIVISION VI

16 HEALTH AND HUMAN SERVICES

17 MH/MR/DD SERVICES ALLOWED GROWTH FUNDING FOR FISCAL
18 YEAR 2011-2012

19 Sec. 44. MENTAL HEALTH, MENTAL RETARDATION, AND
20 DEVELOPMENTAL DISABILITIES SERVICES PROPERTY TAX
21 RELIEF. Notwithstanding the standing appropriation
22 in section 426B.1, subsection 2, for the fiscal year
23 beginning July 1, 2011, and ending June 30, 2012,
24 the amount appropriated from the general fund of the
25 state pursuant to that provision shall not exceed the
26 following amount:

27 \$ 81,199,911

28 Sec. 45. SENATE FILE 209 APPROPRIATION — FY
29 2010-2011.

30 1. Of the amount credited to the property tax
31 relief fund from the appropriation made pursuant to
32 2011 Iowa Acts, Senate File 209, section 21, subsection
33 1, there is appropriated to the department of human
34 services for the fiscal year beginning July 1, 2010,
35 and ending June 30, 2011, the following amount, or
36 so much thereof as is necessary, to be used for the
37 purpose designated:

38 For distribution in accordance with this section:

39 \$ 10,000,000

40 2. a. For the purposes of this subsection, unless
41 the context otherwise requires:

42 (1) "County management plan" means the county
43 management plan for the county's mental health, mental
44 retardation, and developmental disabilities services
45 system in accordance with section 331.439.

46 (2) "Risk pool board" means the risk pool board
47 created in section 426B.5.

48 (3) "Services fund" means the county mental health,
49 mental retardation, and developmental disabilities
50 services fund created in section 331.424A.

1 b. The appropriation made in this section shall be
2 distributed to counties with persons on a waiting list
3 as of April 21, 2011, for adult mental health, mental
4 retardation, and developmental disabilities services in
5 accordance with the county management plan in effect as
6 of January 1, 2011. All of the following provisions
7 shall apply to such distribution:

8 (1) A county's application for the funding
9 distribution must be received by the department on or
10 before July 15, 2011, or within 10 calendar days of the
11 enactment date of this section, whichever is later.

12 (2) The county's application shall provide all of
13 the following information:

14 (a) A declaration that the county cannot provide
15 services in accordance with the county's management
16 plan and remain in compliance with the 99 percent
17 budgeting requirement in section 331.439, subsection 5,
18 resulting in the creation of a waiting list.

19 (b) An accounting of the individuals to be removed
20 from the county's waiting list as a result of the
21 funding applied for under this subsection, along with
22 the following information in a format specified by the
23 department:

24 (i) Each individual's unique client identifier
25 established pursuant to section 225C.6A, subsection 3.

26 (ii) The date the individual was originally placed
27 on the county waiting list.

28 (iii) The services needed by the individual.

29 (iv) The projected cost for the fiscal year for
30 each service needed for that individual.

31 (v) The total cost for all of the services for each
32 individual for the fiscal year.

33 (3) The application shall be accompanied by a
34 signed statement by the county's board of supervisors
35 certifying that the individuals for whom funding is
36 provided under this subsection will not subsequently
37 be placed by the county on a waiting list for services
38 through June 30, 2012.

39 (4) The risk pool board may accept or reject an
40 application for assistance in whole or in part and may
41 prorate distribution of funding as necessary to conform
42 to the amount available for distribution. The decision
43 of the risk pool board is final. The risk pool board
44 shall issue a funding decision within 15 working days
45 of the final receipt date for applications.

46 (5) The funding under this subsection shall be
47 distributed within 15 working days of the date the risk
48 pool board's funding decision is issued.

49 c. If there is a balance remaining following the
50 distribution of funding under paragraph "b", the

1 balance shall be distributed in a second distribution
2 process for individuals placed on a waiting list
3 after April 21, 2011, in accordance with the county
4 management plan provisions for the services in effect
5 as of January 1, 2011. In addition, notwithstanding
6 2010 Iowa Acts, chapter 1192, section 48, subsection 4,
7 paragraph "c", any funding rebated by counties pursuant
8 to that provision and any moneys otherwise available in
9 the risk pool in the property tax relief fund for the
10 fiscal year beginning July 1, 2011, pursuant to section
11 426B.5, subsection 2, shall also be included in the
12 second distribution process. The distribution process
13 under this lettered paragraph shall be in lieu of any
14 risk pool distribution for the fiscal year beginning
15 July 1, 2011, under section 426B.5. All provisions
16 applicable under paragraph "b" shall apply except
17 that a county's application for the second funding
18 distribution process must be received by the department
19 on or before December 1, 2011.

20 d. If moneys from a distribution made under this
21 subsection are not expended by a county by November
22 1, 2012, for services provided prior to July 1, 2012,
23 the county shall reimburse the unexpended moneys to
24 the department by November 30, 2012, and the moneys
25 reimbursed shall be credited to the risk pool in the
26 property tax relief fund.

27 e. The risk pool board shall submit a report to the
28 governor and general assembly on or before December 31,
29 2012, regarding the expenditure of funds distributed
30 under this subsection.

31 Sec. 46. SENATE FILE 209 APPROPRIATION — FY
32 2011-2012. In addition to the appropriations made in
33 this division of this Act for distribution to counties
34 of the county mental health, mental retardation, and
35 developmental disabilities allowed growth factor
36 adjustment for FY 2011-2012, and for county waiting
37 lists beginning with the fiscal year beginning July 1,
38 2010, of the amount credited to the property tax relief
39 fund from the appropriation made pursuant to 2011 Iowa
40 Acts, Senate File 209, section 21, subsection 1, there
41 is appropriated to the department of human services for
42 the fiscal year beginning July 1, 2011, and ending June
43 30, 2012, the following amounts, or so much thereof as
44 is necessary, to be used for the purposes designated:

45 To be credited to the appropriation made in the
46 department of human services division of this Act from
47 the general fund of the state to the department of
48 human services for the medical assistance program for
49 the fiscal year beginning July 1, 2011, and used to
50 reduce home and community-based services waiver waiting

1 lists for children's mental health, intellectual
2 disabilities, and brain injury:

3 \$ 5,000,000

4 Sec. 47. 2010 Iowa Acts, chapter 1193, section 1,
5 is amended to read as follows:

6 SECTION 1. ADULT MH/MR/DD SERVICES ALLOWED GROWTH
7 FUNDING — FY 2011-2012.

8 1. Notwithstanding section 331.439, subsection
9 3, the allowed growth factor adjustment for county
10 mental health, mental retardation, and developmental
11 disabilities service expenditures for the fiscal year
12 beginning July 1, 2011, shall be established by statute
13 which shall be enacted within thirty calendar days of
14 the convening of the Eighty-fourth General Assembly,
15 2011 Session, on January 10, 2011. The governor shall
16 submit to the general assembly a recommendation for
17 such allowed growth factor adjustment and the amounts
18 of related appropriations to the general assembly on
19 or before January 11, 2011.

20 2. The appropriation and allocations made in this
21 section fulfill the requirements of the governor and
22 general assembly under subsection 1.

23 3. a. There is appropriated from the general fund
24 of the state to the department of human services for
25 the fiscal year beginning July 1, 2011, and ending June
26 30, 2012, the following amount, or so much thereof as
27 is necessary, to be used for the purpose designated:

28 For distribution to counties of the county mental
29 health, mental retardation, and developmental
30 disabilities allowed growth factor adjustment for
31 fiscal year 2011-2012 as provided in this section in
32 lieu of the allowed growth factor provisions of section
33 331.438, subsection 2, and section 331.439, subsection
34 3, and chapter 426B:

35 \$ 68,697,893

36 b. Of the amount credited to the property tax
37 relief fund from the appropriation made pursuant to
38 2011 Iowa Acts, Senate File 209, section 21, subsection
39 1, there is appropriated to the department of human
40 services for the fiscal year beginning July 1, 2011,
41 and ending June 30, 2012, the following amount, or
42 so much thereof as is necessary, to be used for the
43 purpose designated:

44 For distribution to counties as described in
45 paragraph "a":

46 \$ 5,000,000

47 Sec. 48. 2010 Iowa Acts, chapter 1193, section 1,
48 as amended by this division of this Act, is amended by
49 adding the following new subsections:

50 NEW SUBSECTION. 4. Of the amounts appropriated

1 in this section, \$12,000,000 shall be distributed as
2 provided in this subsection.

3 a. To be eligible to receive a distribution under
4 this subsection, a county must meet the following
5 requirements:

6 (1) The county is levying for the maximum amount
7 allowed for the county's mental health, mental
8 retardation, and developmental disabilities services
9 fund under section 331.424A for taxes due and payable
10 in the fiscal year beginning July 1, 2011, or the
11 county is levying for at least 90 percent of the
12 maximum amount allowed for the county's services fund
13 and that levy rate is more than \$2 per \$1,000 of the
14 assessed value of all taxable property in the county.

15 (2) In the fiscal year beginning July 1, 2009,
16 the county's mental health, mental retardation, and
17 developmental disabilities services fund ending balance
18 under generally accepted accounting principles was
19 equal to or less than 15 percent of the county's actual
20 gross expenditures for that fiscal year.

21 b. The amount of a county's distribution from
22 the allocation made in this subsection shall be
23 determined based upon the county's proportion of the
24 general population of the counties eligible to receive
25 a distribution under this subsection. The latest
26 certified federal census issued by the United States
27 bureau of the census shall be applied in determining
28 population for the purposes of this paragraph.

29 c. The distributions made pursuant to this
30 subsection are subject to the distribution provisions
31 and withholding requirements established in this
32 section for the county mental health, mental
33 retardation, and developmental disabilities allowed
34 growth factor adjustment for the fiscal year beginning
35 July 1, 2011.

36 NEW SUBSECTION. 5. The following amount of the
37 funding appropriated in this section for distribution
38 to counties is the allowed growth factor adjustment for
39 fiscal year 2011-2012, and shall be credited to the
40 allowed growth funding pool created in the property tax
41 relief fund and for distribution in accordance with
42 section 426B.5, subsection 1:

43 \$ 61,697,893

44 For the distribution made for the fiscal year
45 beginning July 1, 2011, a county that is levying
46 at least 92 percent of the maximum amount allowed
47 for the county's mental health, mental retardation,
48 and developmental disabilities services fund under
49 section 331.424A for the fiscal year and that had
50 a negative services fund balance for the fiscal

1 year beginning July 1, 2009, after disregarding the
2 temporary funding increase provided to counties for
3 the fiscal year beginning July 1, 2009, through the
4 federal American Recovery and Reinvestment Act of
5 2009, Pub. L. No. 111-5, shall be deemed to have met
6 the allocation eligibility requirement under section
7 426B.5, subsection 1, paragraph "d", subparagraph (1),
8 subparagraph division (a).

9 NEW SUBSECTION. 6. The following formula amounts
10 shall be utilized only to calculate preliminary
11 distribution amounts for the allowed growth factor
12 adjustment for fiscal year 2011-2012 under this
13 section by applying the indicated formula provisions
14 to the formula amounts and producing a preliminary
15 distribution total for each county:

16 a. For calculation of a distribution amount for
17 eligible counties from the allowed growth funding pool
18 created in the property tax relief fund in accordance
19 with the requirements in section 426B.5, subsection
20 1, and including the allocation eligibility provision
21 authorized in subsection 5 of this section:
22 \$ 74,773,346

23 b. For calculation of a distribution amount for
24 counties from the mental health and developmental
25 disabilities (MH/DD) community services fund
26 in accordance with the formula provided in the
27 appropriation made for the MH/DD community services
28 fund for the fiscal year beginning July 1, 2011:
29 \$ 14,187,556

30 NEW SUBSECTION. 7. a. After applying the
31 applicable statutory distribution formulas to the
32 amounts indicated in subsection 6 for purposes of
33 producing preliminary distribution totals, the
34 department of human services shall apply a withholding
35 factor to adjust an eligible individual county's
36 preliminary distribution total. In order to be
37 eligible for a distribution under this section, a
38 county must be levying 90 percent or more of the
39 maximum amount allowed for the county's mental health,
40 mental retardation, and developmental disabilities
41 services fund under section 331.424A for taxes due and
42 payable in the fiscal year for which the distribution
43 is payable.

44 b. An ending balance percentage for each county
45 shall be determined by expressing the county's ending
46 balance on a modified accrual basis under generally
47 accepted accounting principles for the fiscal year
48 beginning July 1, 2009, in the county's mental health,
49 mental retardation, and developmental disabilities
50 services fund created under section 331.424A, as a

1 percentage of the county's gross expenditures from that
2 fund for that fiscal year. If a county borrowed moneys
3 for purposes of providing services from the county's
4 services fund on or before July 1, 2009, and the
5 county's services fund ending balance for that fiscal
6 year includes the loan proceeds or an amount designated
7 in the county budget to service the loan for the
8 borrowed moneys, those amounts shall not be considered
9 to be part of the county's ending balance for purposes
10 of calculating an ending balance percentage under this
11 subsection.

12 c. For purposes of calculating withholding
13 factors and for ending balance amounts used for other
14 purposes under law, the county ending balances shall
15 be adjusted, using forms developed for this purpose
16 by the county finance committee, to disregard the
17 temporary funding increase provided to the counties for
18 the fiscal year through the federal American Recovery
19 and Reinvestment Act of 2009, Pub. L. No. 111-5. In
20 addition, a county may adjust the ending balance amount
21 by rebating to the department all or a portion of
22 the allowed growth and MH/DD services fund moneys the
23 county received for the fiscal year beginning July 1,
24 2010, in accordance with 2009 Iowa Acts, chapter 179,
25 section 1, as amended by 2009 Iowa Acts, chapter 1192,
26 sections 47 and 48, or from any other services fund
27 moneys available to the county. The rebate must be
28 remitted to the department on or before June 1, 2011,
29 in order to be counted. However, if this division of
30 this Act is enacted after June 1, 2011, the rebate
31 must be remitted not later than 10 calendar days
32 after the date of the governor's approval of this Act.
33 The amount rebated by a county shall be subtracted
34 dollar-for-dollar from the county's ending balance
35 amount for the fiscal year beginning July 1, 2009, for
36 purposes of calculating the withholding factor and
37 for other ending balance purposes for the fiscal year
38 beginning July 1, 2011. The rebates received by the
39 department shall be credited to the property tax relief
40 fund and distributed as additional funding for the
41 fiscal year beginning July 1, 2011, in accordance with
42 the formula provisions in this section.

43 d. The withholding factor for a county shall be the
44 following applicable percent:

45 (1) For an ending balance percentage of less than
46 5 percent, a withholding factor of 0 percent. In
47 addition, a county that is subject to this lettered
48 paragraph shall receive an inflation adjustment equal
49 to 3 percent of the gross expenditures reported for the
50 county's services fund for the fiscal year.

1 (2) For an ending balance percentage of 5 percent
2 or more but less than 10 percent, a withholding factor
3 of 0 percent. In addition, a county that is subject
4 to this lettered paragraph shall receive an inflation
5 adjustment equal to 2 percent of the gross expenditures
6 reported for the county's services fund for the fiscal
7 year.

8 (3) For an ending balance percentage of 10 percent
9 or more but less than 25 percent, a withholding factor
10 of 25 percent. However, for counties with an ending
11 balance percentage of 10 percent or more but less than
12 15 percent, the amount withheld shall be limited to
13 the amount by which the county's ending balance was in
14 excess of the ending balance percentage of 10 percent.

15 (4) For an ending balance percentage of 25 percent
16 or more, a withholding percentage of 100 percent.

17 NEW SUBSECTION. 8. The total withholding amounts
18 applied pursuant to subsection 7 shall be equal to
19 a withholding target amount of \$13,075,453. If the
20 department of human services determines that the
21 amount appropriated is insufficient or the amount to be
22 withheld in accordance with subsection 7 is not equal
23 to the target withholding amount, the department shall
24 adjust the withholding factors listed in subsection 7
25 as necessary to achieve the target withholding amount.
26 However, in making such adjustments to the withholding
27 factors, the department shall strive to minimize
28 changes to the withholding factors for those ending
29 balance percentage ranges that are lower than others
30 and shall only adjust the zero withholding factor
31 or the inflation adjustment percentages specified
32 in subsection 7, paragraph "d", when the amount
33 appropriated is insufficient.

34 Sec. 49. 2010 Iowa Acts, chapter 1193, section 99,
35 is amended to read as follows:

36 SEC. 99. MH/MR/DD SERVICES FUND
37 TRANSFER. Notwithstanding section 331.424A, subsection
38 5, and section 331.432, subsection 3, for the
39 fiscal year beginning July 1, 2010, and ending June
40 30, 2011, a county may transfer moneys from other
41 funds of the county to the county's mental health,
42 mental retardation, and developmental disabilities
43 services fund created in section 331.424A. A county
44 transferring moneys from other funds of the county
45 to the county's services fund pursuant to this
46 section shall submit a report detailing the transfers
47 made and funds affected. The county shall submit
48 the report along with the county expenditure and
49 information report submitted by December 1, ~~2010~~ 2011,
50 in accordance with section 331.439.

1 shall be credited to the fund. Additionally, payment
2 of interest, recaptures of awards, and other repayments
3 to the community housing and services for persons with
4 disabilities loan program fund shall be credited to
5 the fund. Notwithstanding section 12C.7, subsection
6 2, interest or earnings on moneys in the fund shall be
7 credited to the fund. Notwithstanding section 8.33,
8 moneys credited to the fund from any other fund that
9 remain unencumbered or unobligated at the close of the
10 fiscal year shall not revert to the other fund.

11 3. a. The authority shall annually allocate moneys
12 available in the fund for the development of permanent
13 supportive housing for Medicaid waiver-eligible
14 individuals. The authority shall develop a joint
15 application process for the allocation of United
16 States housing and urban development HOME investment
17 partnerships program funding and the funds available
18 under this section. Moneys allocated to such projects
19 may be in the form of loans, forgivable loans, or a
20 combination of loans and forgivable loans.

21 b. The authority shall annually allocate moneys
22 available in the fund for the development of
23 infrastructure in which to provide supportive services
24 for Medicaid waiver-eligible individuals who meet the
25 psychiatric medical institution for children level of
26 care. Moneys allocated to such projects may be in the
27 form of loans, forgivable loans, or a combination of
28 loans and forgivable loans.

29 4. a. A project shall demonstrate written approval
30 of the project by the department of human services to
31 the authority prior to application for funding under
32 this section.

33 b. In order to be approved by the department
34 of human services for application for funding for
35 development of permanent supportive housing under this
36 section, a project shall include all of the following
37 components:

38 (1) Provision of services to any of the following
39 Medicaid waiver-eligible individuals:

40 (a) Individuals who are currently underserved
41 in community placements, including individuals who
42 are physically aggressive or have behaviors that
43 are difficult to manage or individuals who meet the
44 psychiatric medical institution for children level of
45 care.

46 (b) Individuals who are currently residing in
47 out-of-state facilities.

48 (c) Individuals who are currently receiving care in
49 a licensed health care facility.

50 (2) A plan to provide each individual with crisis

1 stabilization services to ensure that the individual's
2 behavioral issues are appropriately addressed by the
3 provider.

4 (3) Policies and procedures that prohibit discharge
5 of the individual from the waiver services provided by
6 the project provider unless an alternative placement
7 that is acceptable to the client or the client's
8 guardian is identified.

9 c. In order to be approved by the department
10 of human services for application for funding for
11 development of infrastructure in which to provide
12 supportive services under this section, a project shall
13 include all of the following components:

14 (1) Provision of services to Medicaid
15 waiver-eligible individuals who meet the psychiatric
16 medical institution for children level of care.

17 (2) Policies and procedures that prohibit discharge
18 of the individual from the waiver services provided by
19 the project provider unless an alternative placement
20 that is acceptable to the client or the client's
21 guardian is identified.

22 d. Housing provided through a project under this
23 section is exempt from the requirements of chapter
24 1350.

25 5. The authority, in collaboration with the
26 department of human services, shall adopt rules
27 pursuant to chapter 17A to administer this section.

28 VIETNAM CONFLICT VETERANS

29 BONUS FUND

30 Sec. 54. 2008 Iowa Acts, chapter 1187, section 68,
31 as amended by 2009 Iowa Acts, chapter 182, section
32 82, and 2010 Iowa Acts, chapter 1192, section 55, is
33 amended to read as follows:

34 Notwithstanding section 8.33, moneys appropriated in
35 this section that remain unencumbered or unobligated
36 at the close of the fiscal year shall not revert but
37 shall remain available for expenditure for the purposes
38 designated until the ~~close of the fiscal year beginning~~
39 ~~July 1, 2010~~ repeal of section 35A.8A. Upon such
40 repeal, the remaining moneys shall be transferred to
41 the veterans trust fund and, notwithstanding section
42 35A.13, subsection 3, shall only be expended in
43 accordance with an appropriation for purposes of a
44 bonus enacted for veterans of the conflicts in Panama,
45 Grenada, Lebanon, or the Persian Gulf.

46 INJURED VETERANS GRANT PROGRAM

47 Sec. 55. 2008 Iowa Acts, chapter 1187, section 69,
48 unnumbered paragraph 1, as amended by 2009 Iowa Acts,
49 chapter 182, section 83, and 2010 Iowa Acts, chapter
50 1192, section 56, is amended to read as follows:

1 Notwithstanding section 8.33, moneys appropriated in
2 this subsection that remain unencumbered or unobligated
3 at the close of the fiscal year shall not revert but
4 shall remain available for expenditure for the purposes
5 designated until the close of the fiscal year beginning
6 July 1, ~~2010~~ 2011.

7 BEHAVIORAL HEALTH SERVICES

8 ACCOUNT — MEDICAL ASSISTANCE

9 Sec. 56. 2009 Iowa Acts, chapter 182, section 9,
10 subsection 16, paragraph b, as amended by 2010 Iowa
11 Acts, chapter 1192, section 63, is amended to read as
12 follows:

13 b. The department shall continue to maintain a
14 separate account within the medical assistance budget
15 for the deposit of all funds remitted pursuant to a
16 contract with a third party to administer behavioral
17 health services under the medical assistance program
18 established pursuant to 2008 Iowa Acts, chapter
19 1187, section 9, subsection 20. Notwithstanding
20 section 8.33, other than funds remaining from the
21 appropriation allocations made for implementation of
22 the emergency mental health crisis services and system,
23 for implementation of the mental health services
24 system for children and youth, and for training of
25 child welfare services providers in 2008 Iowa Acts,
26 chapter 1187, section 9, subsection 20, paragraph
27 "c", subparagraphs (1), (2), and (6), as authorized
28 in 2009 Iowa Acts, chapter 182, section 72, shall
29 not revert but shall remain available in succeeding
30 fiscal years to be used for the purposes designated
31 until expended and any other funds remaining in the
32 account that remain unencumbered or unobligated at
33 the end of the fiscal year shall not revert but shall
34 remain available in succeeding fiscal years and are
35 appropriated to the department to be used for the
36 medical assistance program to be used for purposes of
37 crisis stabilization and other mental and behavioral
38 health service improvements.

39 CHILD WELFARE DECATEGORIZATION

40 FY 2009-2010 NONREVERSION

41 Sec. 57. 2009 Iowa Acts, chapter 182, section 14,
42 subsection 5, is amended by adding the following new
43 unnumbered paragraph:

44 NEW UNNUMBERED PARAGRAPH. Notwithstanding section
45 232.188, subsection 5, moneys from the allocations
46 made in this subsection or made from any other
47 source for the decategorization of child welfare and
48 juvenile justice funding initiative under section
49 232.188 for the fiscal year beginning July 1, 2009,
50 that are designated as carryover funding that remain

1 unencumbered or unobligated at the close of the fiscal
2 year beginning July 1, 2010, shall not revert but shall
3 be transferred to the community housing and services
4 for persons with disabilities revolving loan program
5 fund created in section 16.185, as enacted by this
6 division of this Act.

7 AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009 —

8 ALLOCATION FOR INFANT AND TODDLER CARE QUALITY

9 Sec. 58. 2009 Iowa Acts, chapter 183, section 62,
10 subsection 3, is amended to read as follows:

11 3. For the purposes of this subsection, "federal
12 poverty level" means the poverty level defined by
13 the most recently revised poverty income guidelines
14 published by the United States department of health and
15 human services. The program shall provide financial
16 assistance to families with infants and toddlers less
17 than thirty-six months of age ~~two~~ that have a family
18 income of more than 145 percent but not more than 185
19 percent of the federal poverty level. However, the
20 department may adjust the qualifying criteria or the
21 financial assistance purpose provisions specified in
22 this subsection or make other changes as necessary for
23 implementation to conform with federal requirements
24 for the funding. Outcome reporting and other grant
25 requirements shall be developed by the department in
26 cooperation with the Iowa empowerment board.

27 Sec. 59. 2009 Iowa Acts, chapter 183, section 62,
28 subsection 4, is amended to read as follows:

29 4. The financial assistance shall be for any of the
30 following purposes:

31 a. For making temporary payments to qualifying
32 families whose members are recently unemployed and
33 seeking work to use in meeting immediate family needs.

34 b. For providing sliding scale subsidies for
35 qualifying families for child care provided to the
36 families' infants and toddlers by providers who
37 are accredited by the national association for the
38 education of young children or the national association
39 for family child care, or who have a rating at level 3
40 2 or higher under the child care quality rating system
41 implemented pursuant to section 237A.30.

42 c. For expanding training and other support for
43 infant care providers in the community and this state.

44 d. For ensuring child care environments are healthy
45 and safe.

46 e. For promoting positive relationships between
47 parents and providers in their mutual efforts to care
48 for very young children.

49 f. For ensuring that parents have the information
50 and resources needed to choose quality child care.

1 IOWA DEPARTMENT ON AGING CASE MANAGEMENT REVIEW

2 Sec. 60. 2010 Iowa Acts, chapter 1192, section 1,
3 subsection 2, is amended to read as follows:

4 2. a. Of the funds appropriated in this section,
5 \$1,246,514 shall be transferred to the department of
6 human services in equal amounts on a quarterly basis
7 for reimbursement of case management services provided
8 under the medical assistance elderly waiver. The
9 department of human services shall adopt rules for
10 case management services provided under the medical
11 assistance elderly waiver in consultation with the
12 department on aging.

13 ~~b. The department of human services shall review~~
14 ~~projections for state funding expenditures for~~
15 ~~reimbursement of case management services under the~~
16 ~~medical assistance elderly waiver on a quarterly basis~~
17 ~~and shall determine if an adjustment to the medical~~
18 ~~assistance reimbursement rates are necessary to provide~~
19 ~~reimbursement within the state funding amounts budgeted~~
20 ~~under the appropriations made for the fiscal year~~
21 ~~for the medical assistance program. Any temporary~~
22 ~~enhanced federal financial participation that may~~
23 ~~become available for the medical assistance program~~
24 ~~during the fiscal year shall not be used in projecting~~
25 ~~the medical assistance elderly waiver case management~~
26 ~~budget. The department of human services shall revise~~
27 ~~such reimbursement rates as necessary to maintain~~
28 ~~expenditures for medical assistance elderly waiver case~~
29 ~~management services within the state funding amounts~~
30 ~~budgeted under the appropriations made for the fiscal~~
31 ~~year for the medical assistance program.~~

32 IOWA VETERANS HOME

33 Sec. 61. 2010 Iowa Acts, chapter 1192, section 3,
34 subsection 2, is amended by adding the following new
35 paragraph:

36 NEW PARAGRAPH. d. The funds appropriated in this
37 subsection to the Iowa veterans home that remain
38 available for expenditure for the succeeding fiscal
39 year pursuant to section 35D.18, subsection 5, shall
40 be distributed to be used in the succeeding fiscal
41 year in accordance with this lettered paragraph. The
42 first \$500,000 shall remain available to be used for
43 the purposes of the Iowa veterans home. On or before
44 October 15, 2011, the department of management shall
45 transfer the remaining balance to the appropriation
46 to the department of human services for medical
47 assistance.

48 MEDICAL ASSISTANCE PROGRAM

49 Sec. 62. 2010 Iowa Acts, chapter 1192, section 11,
50 is amended by adding the following new subsection:

1 NEW SUBSECTION. 25. The department may increase
2 the amounts allocated for salaries, support,
3 maintenance, and miscellaneous purposes associated
4 with the medical assistance program as necessary
5 to implement cost containment efforts in order to
6 accomplish medical assistance program savings. These
7 amounts may be transferred to the appropriation made
8 in this division of this Act for the health insurance
9 premium payment program.

10 STATE SUPPLEMENTARY ASSISTANCE PROGRAM

11 Sec. 63. 2010 Iowa Acts, chapter 1192, section 14,
12 is amended by adding the following new subsection:

13 NEW SUBSECTION. 4. Notwithstanding section
14 8.33, moneys appropriated in this section that remain
15 unencumbered or unobligated at the close of the fiscal
16 year shall remain available for expenditure for the
17 purposes designated until the close of the succeeding
18 fiscal year.

19 ADOPTION SUBSIDY TRANSFER

20 Sec. 64. 2010 Iowa Acts, chapter 1192, section 20,
21 is amended by adding the following new subsection:

22 NEW SUBSECTION. 4. Of the funds appropriated
23 in this section, \$60,000 shall be transferred to the
24 appropriation made in this division of this Act for the
25 state mental health institute at Cherokee to be used
26 for children's beds at the institute.

27 IOWA DEPARTMENT ON AGING CASE MANAGEMENT REVIEW

28 Sec. 65. 2010 Iowa Acts, chapter 1192, section 37,
29 subsection 1, is amended to read as follows:

30 1. a. Of the funds appropriated in this section,
31 \$1,010,000 shall be transferred to the department of
32 human services in equal amounts on a quarterly basis
33 for reimbursement of case management services provided
34 under the medical assistance elderly waiver.

35 ~~b. The department of human services shall review~~
36 ~~projections for state funding expenditures for~~
37 ~~reimbursement of case management services under the~~
38 ~~medical assistance elderly waiver on a quarterly basis~~
39 ~~and shall determine if an adjustment to the medical~~
40 ~~assistance reimbursement rates are necessary to provide~~
41 ~~reimbursement within the state funding amounts budgeted~~
42 ~~under the appropriations made for the fiscal year~~
43 ~~for the medical assistance program. Any temporary~~
44 ~~enhanced federal financial participation that may~~
45 ~~become available for the medical assistance program~~
46 ~~during the fiscal year shall not be used in projecting~~
47 ~~the medical assistance elderly waiver case management~~
48 ~~budget. The department of human services shall revise~~
49 ~~such reimbursement rates as necessary to maintain~~
50 ~~expenditures for medical assistance elderly waiver case~~

1 ~~management services within the state funding amounts~~
2 ~~budgeted under the appropriations made for the fiscal~~
3 ~~year for the medical assistance program.~~

4 QUALITY ASSURANCE TRUST FUND — DEPARTMENT OF HUMAN
5 SERVICES

6 Sec. 66. 2010 Iowa Acts, chapter 1192, section 44,
7 is amended to read as follows:

8 SEC. 44. QUALITY ASSURANCE TRUST FUND — DEPARTMENT
9 OF HUMAN SERVICES. Notwithstanding any provision to
10 the contrary and subject to the availability of funds,
11 there is appropriated from the quality assurance trust
12 fund created in section 249L.4 to the department of
13 human services for the fiscal year beginning July 1,
14 2010, and ending June 30, 2011, the following amounts,
15 or so much thereof as is necessary for the purposes
16 designated:

17 To supplement the appropriation made in this Act
18 from the general fund of the state to the department of
19 human services for medical assistance:

20 \$ ~~13,900,000~~
21 33,708,458

22 1. Of the funds appropriated in this section,
23 \$7,500,000 shall be used for nursing facility
24 reimbursement under the medical assistance program in
25 accordance with the nursing facility reimbursement
26 provisions of division IV of this Act, to continue
27 application of the administrative rules changes
28 relating to nursing facility reimbursement and payment
29 procedures made pursuant to 2010 Iowa Acts, Senate
30 File 2366, if enacted, for the fiscal year beginning
31 July 1, 2010, and ending June 30, 2011, and to restore
32 the 5 percent reduction made in nursing facility
33 reimbursement in accordance with executive order number
34 19 issued October 8, 2009.

35 2. The costs associated with the implementation of
36 this section shall be funded exclusively through moneys
37 appropriated from the quality assurance trust fund,
38 and shall result in budget neutrality to the general
39 fund of the state for the fiscal year beginning July 1,
40 2010, and ending June 30, 2011.

41 INJURED VETERANS TRUST FUND

42 Sec. 67. INJURED VETERANS TRUST FUND. There is
43 appropriated from the general fund of the state to the
44 department of veterans affairs for the fiscal year
45 beginning July 1, 2010, and ending June 30, 2011, the
46 following amount, or so much thereof as is necessary,
47 to be used for the purposes designated:

48 To be credited to the injured veterans trust fund
49 created pursuant to section 35A.14 to be used for the
50 injured veterans grant program:

1 \$ 1,000,000

2 The department shall review the rules and statutory
3 provisions pertaining to the injured veterans grant
4 program and propose amendments to improve the program.
5 Notwithstanding section 8.33, moneys appropriated in
6 this section that remain unencumbered or unobligated
7 at the close of the fiscal year shall not revert but
8 shall remain available for expenditure for the purposes
9 designated until expended.

10 MERCHANT MARINE BONUS FUND TRANSFER

11 Sec. 68. DEPARTMENT OF CULTURAL AFFAIRS — MERCHANT
12 MARINE BONUS FUND.

13 1. The appropriation made from the merchant marine
14 bonus fund to the department of cultural affairs for
15 the fiscal year beginning July 1, 2010, and ending June
16 30, 2011, in 2010 Iowa Acts, chapter 1193, section 82,
17 shall be transferred on the effective date of this
18 section to the department of veterans affairs to be
19 used for departmental costs.

20 2. Moneys transferred pursuant to this section that
21 remain unencumbered or unobligated at the close of the
22 fiscal year shall be credited to the veterans trust
23 fund created in section 35A.13.

24 STATE INSTITUTION — APPROPRIATION TRANSFERS

25 Sec. 69. DEPARTMENT OF HUMAN SERVICES. There
26 is transferred between the following designated
27 appropriations made to the department of human services
28 for the fiscal year beginning July 1, 2010, and ending
29 June 30, 2011, not more than the following amounts:

30 1. From the appropriation made for purposes of the
31 state resource center at Glenwood in 2010 Iowa Acts,
32 chapter 1192, section 25, subsection 1, paragraph "a",
33 to the appropriation made for purposes of the Iowa
34 juvenile home at Toledo in 2010 Iowa Acts, chapter
35 1192, section 17, subsection 1:

36 \$ 400,000

37 2. From the appropriation made for purposes of the
38 state resource center at Woodward in 2010 Iowa Acts,
39 chapter 1192, section 25, subsection 1, paragraph "b",
40 to the appropriation made for purposes of the state
41 mental health institute at Independence in 2010 Iowa
42 Acts, chapter 1192, section 24, subsection 1, paragraph
43 "c":

44 \$ 400,000

45 Sec. 70. FAMILY PLANNING WAIVER AND MAINTENANCE OF
46 EFFORT. Notwithstanding 2010 Iowa Acts, chapter 1192,
47 section 11, subsection 24, the department of human
48 services shall not amend the medical assistance waiver
49 for the Iowa family planning network in accordance
50 with that provision, but shall instead continue the

1 Iowa family planning waiver in effect prior to June
2 30, 2011, and shall only amend the waiver to increase
3 the income eligibility percentage above the percentage
4 provided in the waiver in effect if necessary and only
5 by the minimum percentage required to comply with
6 maintenance of effort requirements.

7 Sec. 71. DECATEGORYIZATION PROJECT FUNDING. For
8 the period beginning June 1, 2010, and ending June
9 30, 2012, a child welfare and juvenile justice
10 funding decategorization initiative project that is
11 incorporated and owns real property may utilize project
12 funding to purchase liability insurance.

13 Sec. 72. ACCOUNTABLE CARE ORGANIZATION — PILOT.

14 1. a. If an entity applies for certification from
15 the secretary of the United States department of health
16 and human services prior to January 1, 2012, and is
17 subsequently certified to administer an accountable
18 care organization pilot project, pursuant to the
19 federal Patient Protection and Accountability Act, Pub.
20 L. No. 111-148, the department of human services shall
21 work with the entity to provide access to the complete
22 deidentified claims data of the medical assistance
23 recipients receiving health care services through the
24 pilot project for the purposes of identifying areas of
25 utilization, need, and potential cost savings to the
26 medical assistance program subject to all applicable
27 state and federal laws and regulations. The department
28 may also employ new payment models, information
29 technology, and data analytics provisions necessary to
30 the administration of the pilot project.

31 b. The department of human services shall work
32 with an entity to administer an accountable care
33 organization pilot project, only if the centers for
34 Medicare and Medicaid services of the United States
35 department of health and human services approves
36 participation of the medical assistance program in the
37 pilot project and the entity meets all of the following
38 requirements:

39 (1) At a minimum, includes the participation of a
40 prospective payment system hospital, ten primary care
41 physicians, a home health care practice, a palliative
42 care services, a hospice service, and a community
43 mental health center, all of which agree to be paid
44 under a partial or global payment for identified
45 services.

46 (2) Requires all participating providers to utilize
47 electronic health records.

48 (3) Includes delivery of mental health services to
49 recipients of medical assistance through collaboration
50 with the regional community mental health center, a

1 federally qualified health center, and at least one
2 nursing facility as consistent with any other law
3 enacted by the Eighty-fourth general assembly, 2011
4 session, that redesigns the mental health delivery
5 system in the state.

6 c. The entity certified to implement the pilot
7 project shall report to the joint appropriations
8 subcommittee for health and human services during the
9 2012 legislative session detailing the progress and
10 expected outcomes of the pilot project.

11 Sec. 73. EMERGENCY RULES. For purposes of the
12 initial rules to implement the provisions of section
13 16.185, as enacted by this division of this Act,
14 the Iowa finance authority may adopt administrative
15 rules under section 17A.4, subsection 3, and section
16 17A.5, subsection 2, paragraph "b", to implement
17 the provisions and the rules shall become effective
18 immediately upon filing or on a later effective date
19 specified in the rules, unless the effective date is
20 delayed by the administrative rules review committee.
21 Any rules adopted in accordance with this section
22 shall not take effect before the rules are reviewed
23 by the administrative rules review committee. The
24 delay authority provided to the administrative rules
25 review committee under section 17A.4, subsection 7, and
26 section 17A.8, subsection 9, shall be applicable to a
27 delay imposed under this section, notwithstanding a
28 provision in those sections making them inapplicable
29 to section 17A.5, subsection 2, paragraph "b". Any
30 rules adopted in accordance with the provisions of this
31 section shall also be published as a notice of intended
32 action as provided in section 17A.4.

33 Sec. 74. EFFECTIVE UPON ENACTMENT AND RETROACTIVE
34 APPLICABILITY. Except as otherwise provided by this
35 division of this Act, this division of this Act, being
36 deemed of immediate importance, takes effect upon
37 enactment and if approved by the governor after July 1,
38 2011, applies retroactively to June 30, 2011.

39 Sec. 75. RETROACTIVE APPLICABILITY. The section of
40 this division of this Act addressing child welfare and
41 juvenile justice funding decategorization initiative
42 project funding for the period beginning June 1, 2010,
43 and ending June 30, 2012, applies retroactively to June
44 1, 2010.

45 Sec. 76. RETROACTIVE APPLICABILITY. The section
46 of this division of this Act amending section 35A.8A,
47 applies retroactively to July 1, 2010.

48 Sec. 77. RETROACTIVE APPLICABILITY. The section
49 of this division of this Act making transfers between
50 appropriations made to the department of human services

1 for state institutions in 2010 Iowa Acts, chapter 1192,
2 applies retroactively to January 1, 2011.

3 DIVISION VII

4 HEALTH AND HUMAN SERVICES

5 PREVENTION AND CHRONIC CARE MANAGEMENT

6 Sec. 78. Section 135.159, subsection 10, Code 2011,
7 is amended to read as follows:

8 10. The department shall integrate the
9 recommendations and policies developed by the
10 ~~prevention and chronic care management advisory~~
11 ~~council~~ pursuant to section 135.161, Code 2011, into
12 the medical home system and shall incorporate the
13 development and implementation of the state initiative
14 for prevention and chronic care management as developed
15 pursuant to section 135.161, Code 2011, into the duties
16 of the medical home system advisory council beginning
17 January 1, 2012.

18 Sec. 79. Section 135.162, subsections 1 and 3, Code
19 2011, are amended to read as follows:

20 1. The director shall convene a clinicians advisory
21 panel to advise and recommend to the department
22 clinically appropriate, evidence-based best practices
23 regarding the implementation of the medical home as
24 defined in section 135.157 and the prevention and
25 chronic care management initiative pursuant to section
26 ~~135.161~~. The director shall act as chairperson of the
27 advisory panel.

28 3. The clinicians advisory panel shall meet on a
29 quarterly basis to receive updates from the director
30 regarding strategic planning and implementation
31 progress on the medical home and the prevention and
32 chronic care management initiative and shall provide
33 clinical consultation to the department regarding the
34 medical home and the initiative.

35 Sec. 80. Section 136.3, subsection 14, Code 2011,
36 is amended to read as follows:

37 14. Perform those duties authorized pursuant to
38 sections 135.156, and 135.159, and ~~135.161~~, and other
39 provisions of law.

40 Sec. 81. REPEAL. Section 135.161, Code 2011, is
41 repealed.

42 Sec. 82. EFFECTIVE DATE. This division of this Act
43 takes effect December 31, 2011.

44 DIVISION IX

45 HEALTH AND HUMAN SERVICES

46 MISCELLANEOUS

47 Sec. 83. Section 29C.20B, Code 2011, is amended to
48 read as follows:

49 **29C.20B Disaster case management.**

50 1. The ~~rebuild Iowa office~~ homeland security

1 and emergency management division shall work with
2 the department of human services and nonprofit,
3 voluntary, and faith-based organizations active
4 in disaster recovery and response in coordination
5 with the ~~homeland security and emergency management~~
6 ~~division~~ the department of human services to establish
7 a statewide system of disaster case management to be
8 activated following the governor's proclamation of
9 a disaster emergency or the declaration of a major
10 disaster by the president of the United States for
11 individual assistance purposes. Under the system, the
12 ~~department of human services~~ homeland security and
13 emergency management division shall coordinate case
14 management services locally through local committees
15 as established in each local emergency management
16 commission's emergency plan. ~~Beginning July 1,~~
17 ~~2011, the department of human services shall assume~~
18 ~~the duties of the rebuild Iowa office under this~~
19 ~~subsection.~~

20 2. The ~~department of human services~~ homeland
21 security and emergency management division, in
22 conjunction with the ~~rebuild Iowa office, the homeland~~
23 ~~security and emergency management division~~ department
24 of human services, and an Iowa representative to
25 the national voluntary organizations active in
26 disaster, shall adopt rules pursuant to chapter 17A to
27 create coordination mechanisms and standards for the
28 establishment and implementation of a statewide system
29 of disaster case management which shall include at
30 least all of the following:

- 31 a. Disaster case management standards.
- 32 b. Disaster case management policies.
- 33 c. Reporting requirements.
- 34 d. Eligibility criteria.
- 35 e. Coordination mechanisms necessary to carry out
36 the services provided.
- 37 f. Develop formal working relationships with
38 agencies and create interagency agreements for
39 those considered to provide disaster case management
40 services.
- 41 g. Coordination of all available services for
42 individuals from multiple agencies.

43 Sec. 84. Section 135.106, Code 2011, is amended by
44 adding the following new subsection:

45 NEW SUBSECTION. 4. It is the intent of the general
46 assembly that priority for home visitation funding be
47 given to approaches using evidence-based or promising
48 models for home visitation.

49 Sec. 85. Section 135C.4, Code 2011, is amended to
50 read as follows:

1 **135C.4 Residential care facilities.**

2 1. Each facility licensed as a residential care
3 facility shall provide an organized continuous
4 twenty-four-hour program of care commensurate with
5 the needs of the residents of the home and under
6 the immediate direction of a person approved and
7 certified by the department whose combined training and
8 supervised experience is such as to ensure adequate and
9 competent care.

10 2. All admissions to residential care facilities
11 shall be based on an order written by a physician
12 certifying that the individual being admitted does
13 not require nursing services or that the individual's
14 need for nursing services can be avoided if home and
15 community-based services, other than nursing care, as
16 defined by this chapter and departmental rule, are
17 provided.

18 3. For the purposes of this section, the home
19 and community-based services to be provided shall
20 be limited to the type included under the medical
21 assistance program provided pursuant to chapter 249A,
22 shall be subject to cost limitations established by
23 the department of human services under the medical
24 assistance program, and except as otherwise provided
25 by the department of inspections and appeals with
26 the concurrence of the department of human services,
27 shall be limited in capacity to the number of licensed
28 residential care facilities and the number of licensed
29 residential care facility beds in the state as of
30 December 1, 2003.

31 4. A residential care facility is not required
32 to admit an individual through court order, referral,
33 or other means if the individual has been arrested,
34 charged, or convicted of assault, a forcible felony,
35 arson, or an offense that requires registration as a
36 sex offender under chapter 692A. The court order,
37 referral, or other documentation for admission of
38 an individual to a residential care facility shall
39 contain sufficient information relating to the criminal
40 history of the individual in order for the facility
41 to make an informed decision about the admittance of
42 the individual. The court order, referral, or other
43 documentation shall be provided to the facility prior
44 to the facility determining whether to admit the
45 individual.

46 Sec. 86. Section 147.136, Code 2011, is amended to
47 read as follows:

48 **147.136 Scope of recovery.**

49 1. ~~In~~ Except as otherwise provided in subsection 2,
50 in an action for damages for personal injury against

1 a physician and surgeon, osteopathic physician and
2 surgeon, dentist, podiatric physician, optometrist,
3 pharmacist, chiropractor, or nurse licensed to
4 practice that profession in this state, or against a
5 hospital licensed for operation in this state, based
6 on the alleged negligence of the practitioner in the
7 practice of the profession or occupation, or upon the
8 alleged negligence of the hospital in patient care,
9 in which liability is admitted or established, the
10 damages awarded shall not include actual economic
11 losses incurred or to be incurred in the future
12 by the claimant by reason of the personal injury,
13 including but not limited to, the cost of reasonable
14 and necessary medical care, rehabilitation services,
15 and custodial care, and the loss of services and loss
16 of earned income, to the extent that those losses
17 are replaced or are indemnified by insurance, or by
18 governmental, employment, or service benefit programs
19 or from any other source ~~except the assets of the~~
20 ~~claimant or of the members of the claimant's immediate~~
21 ~~family.~~

22 2. This section shall not bar recovery of economic
23 losses replaced or indemnified by any of the following:

24 a. Benefits received under the medical assistance
25 program under chapter 249A.

26 b. The assets of the claimant or of the members of
27 the claimant's immediate family.

28 Sec. 87. Section 153.14, subsection 1, Code 2011,
29 is amended to read as follows:

30 1. Students of dentistry who practice dentistry
31 upon patients at clinics in connection with their
32 regular course of instruction at ~~the state an~~
33 accredited dental college, students of dental
34 hygiene who practice upon patients at clinics in
35 connection with their regular course of instruction
36 at state-approved schools, and students of dental
37 assisting who practice upon patients at clinics
38 in connection with a regular course of instruction
39 determined by the board pursuant to section 153.39.

40 Sec. 88. **NEW SECTION. 155A.43 Pharmaceutical**
41 **collection and disposal program — annual allocation.**

42 Of the fees collected pursuant to sections 124.301
43 and 147.80 and chapter 155A by the board of pharmacy,
44 and retained by the board pursuant to section 147.82,
45 not more than one hundred twenty-five thousand
46 dollars, may be allocated annually by the board for
47 administering the pharmaceutical collection and
48 disposal program originally established pursuant to
49 2009 Iowa Acts, chapter 175, section 9. The program
50 shall provide for the management and disposal of

1 unused, excess, and expired pharmaceuticals. The
2 board of pharmacy may cooperate with the Iowa pharmacy
3 association and may consult with the department and
4 sanitary landfill operators in administering the
5 program.

6 Sec. 89. Section 225B.8, Code 2011, is amended to
7 read as follows:

8 **225B.8 Repeal.**

9 This chapter is repealed July 1, ~~2011~~ 2012.

10 Sec. 90. Section 232.188, subsection 5, paragraph
11 b, unnumbered paragraph 1, Code 2011, is amended to
12 read as follows:

13 Notwithstanding section 8.33, moneys designated for
14 a project's decategorization services funding pool that
15 remain unencumbered or unobligated at the close of the
16 fiscal year shall not revert but shall remain available
17 for expenditure as directed by the project's governance
18 board for child welfare and juvenile justice systems
19 enhancements and other purposes of the project until
20 ~~the close of the succeeding fiscal year and~~ for the
21 next two succeeding fiscal years. Such moneys shall
22 be known as "*carryover funding*". Moneys may be made
23 available to a funding pool from one or more of the
24 following sources:

25 Sec. 91. Section 249A.4B, subsection 2, paragraph
26 a, subparagraph (18), Code 2011, is amended to read as
27 follows:

28 (18) The ~~Iowa/Nebraska~~ Iowa primary care
29 association.

30 Sec. 92. REPEAL. Section 135.27A, Code 2011, is
31 repealed December 31, 2011.

32 DIVISION X

33 HEALTH AND HUMAN SERVICES

34 MEDICAID PRESCRIPTION DRUGS

35 Sec. 93. Section 249A.20A, subsection 4, Code 2011,
36 is amended to read as follows:

37 4. With the exception of drugs prescribed for the
38 treatment of human immunodeficiency virus or acquired
39 immune deficiency syndrome, transplantation, or cancer
40 and drugs prescribed for mental illness with the
41 exception of drugs and drug compounds that do not
42 have a significant variation in a therapeutic profile
43 or side effect profile within a therapeutic class,
44 prescribing and dispensing of prescription drugs not
45 included on the preferred drug list shall be subject to
46 prior authorization.

47 Sec. 94. 2010 Iowa Acts, chapter 1031, section 348,
48 is amended to read as follows:

49 SEC. 348. MEDICAID NONPREFERRED DRUG LIST
50 PRESCRIBING.

1 1. The department shall adopt rules pursuant
2 to chapter 17A to restrict physicians and other
3 prescribers to prescribing not more than a 72-hour
4 or three-day supply of a prescription drug not
5 included on the medical assistance preferred drug list
6 while seeking approval to continue prescribing the
7 medication.

8 ~~2. Notwithstanding subsection 1, the department~~
9 ~~shall adopt rules pursuant to chapter 17A to restrict a~~
10 ~~physician or other prescriber prescribing a chemically~~
11 ~~unique mental health prescription drug to prescribing~~
12 ~~not more than a seven-day supply of the prescription~~
13 ~~drug while requesting approval to continue to prescribe~~
14 ~~the medication. The rules shall provide that if~~
15 ~~an approval or disapproval is not received by the~~
16 ~~physician or other prescriber within 48 hours of the~~
17 ~~request, the request is deemed approved.~~

18 Sec. 95. REPEAL. 2010 Iowa Acts, chapter 1031,
19 section 349, is repealed.

20 Sec. 96. RESCINDING AND ADOPTION OF RULES. The
21 department of human services shall rescind the rules
22 adopted pursuant to 2010 Iowa Acts, chapter 1031,
23 section 347, chapter 1031, section 348, subsection
24 2, and chapter 1031, section 349, and shall instead
25 adopt emergency rules under section 17A.4, subsection
26 3, and section 17A.5, subsection 2, paragraph "b",
27 to implement section 249A.20A, as amended in this
28 division of this Act, and the rules shall be effective
29 immediately upon filing and retroactively applicable to
30 January 1, 2011, unless a later date is specified in
31 the rules. Any rules adopted in accordance with this
32 section shall also be published as a notice of intended
33 action as provided in section 17A.4.

34 Sec. 97. EFFECTIVE UPON ENACTMENT AND RETROACTIVE
35 APPLICABILITY. This division of this Act, being deemed
36 of immediate importance, takes effect upon enactment
37 and applies retroactively to January 1, 2011.

38 DIVISION XI

39 HEALTH AND HUMAN SERVICES

40 IOWA FALSE CLAIMS ACT

41 Sec. 98. Section 685.1, subsection 11, Code 2011,
42 is amended to read as follows:

43 11. *"Original source"* means an individual who ~~has~~
44 ~~direct and independent~~ prior to a public disclosure
45 under section 685.3, subsection 5, paragraph "c", has
46 voluntarily disclosed to the state the information on
47 which the allegations or transactions in a claim are
48 based; or who has knowledge of the information on which
49 the allegations are based that is independent of and
50 materially adds to the publicly disclosed allegations

1 or transactions, and has voluntarily provided the
2 information to the state before filing an action under
3 ~~section 685.3 which is based on the information this~~
4 ~~chapter.~~

5 Sec. 99. Section 685.1, Code 2011, is amended by
6 adding the following new subsection:

7 NEW SUBSECTION. 15. "State" means the state of
8 Iowa.

9 Sec. 100. Section 685.2, subsection 1, unnumbered
10 paragraph 1, Code 2011, is amended to read as follows:

11 A person who commits any of the following acts is
12 liable to the state for a civil penalty of not less
13 than ~~five thousand dollars~~ and not more than ~~ten~~
14 ~~thousand dollars~~ the civil penalty allowed under the
15 federal False Claims Act, as codified in 31 U.S.C. §
16 3729 et seq., as may be adjusted in accordance with
17 the inflation adjustment procedures prescribed in the
18 federal Civil Penalties Inflation Adjustment Act of
19 1990, Pub. L. No. 101-410, for each false or fraudulent
20 claim, plus three times the amount of damages which the
21 state sustains because of the act of that person:

22 Sec. 101. Section 685.3, subsection 5, paragraph
23 c, Code 2011, is amended by striking the paragraph and
24 inserting in lieu thereof the following:

25 c. A court shall dismiss an action or claim
26 under this section, unless opposed by the state, if
27 substantially the same allegations or transactions as
28 alleged in the action or claim were publicly disclosed
29 in a state criminal, civil, or administrative hearing
30 in which the state or an agent of the state is a
31 party; in a state legislative, state auditor, or other
32 state report, hearing, audit, or investigation; or
33 by the news media, unless the action is brought by
34 the attorney general or the qui tam plaintiff is an
35 original source of the information.

36 Sec. 102. Section 685.3, subsection 6, Code 2011,
37 is amended to read as follows:

38 6. a. Any employee, contractor, or agent ~~who~~
39 shall be entitled to all relief necessary to make
40 that employee, contractor, or agent whole, if that
41 employee, contractor, or agent is discharged, demoted,
42 suspended, threatened, harassed, or in any other manner
43 discriminated against in the terms and conditions of
44 employment because of lawful acts performed done by
45 the employee, contractor, or agent on behalf of the
46 employee, contractor, or agent or associated others in
47 furtherance of an action under this section or other
48 efforts to stop a violation one or more violations of
49 this chapter, shall be entitled to all relief necessary
50 to make the employee, contractor, or agent whole. Such

1 relief

2 b. Relief under paragraph "a" shall include
3 reinstatement with the same seniority status such
4 that employee, contractor, or agent would have had
5 but for the discrimination, two times the amount of
6 back pay, interest on the back pay, and compensation
7 for any special damages sustained as a result of
8 the discrimination, including litigation costs and
9 reasonable attorney fees. An employee, contractor, or
10 agent may bring an action under this subsection may be
11 brought in the appropriate district court of the state
12 for the relief provided in this subsection.

13 c. A civil action under this subsection shall not
14 be brought more than three years after the date when
15 the retaliation occurred.

16 DIVISION XII

17 HEALTH AND HUMAN SERVICES

18 VOLUNTEER HEALTH CARE PROVIDER PROGRAM

19 Sec. 103. Section 135.24, subsection 2, paragraphs
20 b and c, Code 2011, are amended to read as follows:

21 b. Procedures for registration of hospitals, free
22 clinics, field dental clinics, and specialty health
23 care provider offices.

24 c. Criteria for and identification of hospitals,
25 clinics, free clinics, field dental clinics, specialty
26 health care provider offices, or other health care
27 facilities, health care referral programs, or
28 charitable organizations, eligible to participate in
29 the provision of free medical, dental, chiropractic,
30 pharmaceutical, nursing, optometric, psychological,
31 social work, behavioral science, podiatric, physical
32 therapy, occupational therapy, respiratory therapy, or
33 emergency medical care services through the volunteer
34 health care provider program. A hospital, a clinic, a
35 free clinic, a field dental clinic, a specialty health
36 care provider office, a health care facility, a health
37 care referral program, a charitable organization, or
38 a health care provider participating in the program
39 shall not bill or charge a patient for any health care
40 provider service provided under the volunteer health
41 care provider program.

42 Sec. 104. Section 135.24, Code 2011, is amended by
43 adding the following new subsection:

44 NEW SUBSECTION. 6A. A hospital providing free care
45 under this section shall be considered a state agency
46 solely for the purposes of this section and chapter 669
47 and shall be afforded protection under chapter 669 as a
48 state agency for all claims arising from the provision
49 of free care by a health care provider registered under
50 subsection 3 who is providing services at the hospital

1 in accordance with this section, if the hospital has
2 registered with the department pursuant to subsection
3 1.

4 Sec. 105. Section 135.24, subsection 7, Code 2011,
5 is amended by adding the following new paragraph:

6 NEW PARAGRAPH. *Oe.* "Hospital" means hospital as
7 defined in section 135B.1.

8 DIVISION XIII

9 HEALTH AND HUMAN SERVICES

10 DEPARTMENT ON AGING — FY 2012-2013

11 Sec. 106. DEPARTMENT ON AGING. There is
12 appropriated from the general fund of the state to
13 the department on aging for the fiscal year beginning
14 July 1, 2012, and ending June 30, 2013, the following
15 amount, or so much thereof as is necessary, to be used
16 for the purposes designated:

17 For aging programs for the department on aging and
18 area agencies on aging to provide citizens of Iowa who
19 are 60 years of age and older with case management for
20 frail elders, Iowa's aging and disabilities resource
21 center, and other services which may include but are
22 not limited to adult day services, respite care, chore
23 services, information and assistance, and material aid,
24 for information and options counseling for persons with
25 disabilities who are 18 years of age or older, and
26 for salaries, support, administration, maintenance,
27 and miscellaneous purposes, and for not more than the
28 following full-time equivalent positions:

29 \$ 8,757,190
30 FTEs 35.00

31 1. Funds appropriated in this section may be used
32 to supplement federal funds under federal regulations.
33 To receive funds appropriated in this section, a local
34 area agency on aging shall match the funds with moneys
35 from other sources according to rules adopted by the
36 department. Funds appropriated in this section may be
37 used for elderly services not specifically enumerated
38 in this section only if approved by an area agency on
39 aging for provision of the service within the area.

40 2. The amount appropriated in this section includes
41 additional funding of \$382,500 for delivery of
42 long-term care services to older individuals with low
43 or moderate incomes.

44 3. Of the funds appropriated in this section,
45 \$152,954 shall be transferred to the department
46 of economic development for the Iowa commission on
47 volunteer services to be used for the retired and
48 senior volunteer program.

49 4. a. The department on aging shall establish and
50 enforce procedures relating to expenditure of state and

1 federal funds by area agencies on aging that require
2 compliance with both state and federal laws, rules, and
3 regulations, including but not limited to all of the
4 following:

5 (1) Requiring that expenditures are incurred only
6 for goods or services received or performed prior to
7 the end of the fiscal period designated for use of the
8 funds.

9 (2) Prohibiting prepayment for goods or services
10 not received or performed prior to the end of the
11 fiscal period designated for use of the funds.

12 (3) Prohibiting the prepayment for goods or
13 services not defined specifically by good or service,
14 time period, or recipient.

15 (4) Prohibiting the establishment of accounts from
16 which future goods or services which are not defined
17 specifically by good or service, time period, or
18 recipient, may be purchased.

19 b. The procedures shall provide that if any funds
20 are expended in a manner that is not in compliance with
21 the procedures and applicable federal and state laws,
22 rules, and regulations, and are subsequently subject
23 to repayment, the area agency on aging expending such
24 funds in contravention of such procedures, laws, rules
25 and regulations, not the state, shall be liable for
26 such repayment.

27 DIVISION XIV

28 HEALTH AND HUMAN SERVICES

29 DEPARTMENT OF PUBLIC HEALTH — FY 2012-2013

30 Sec. 107. DEPARTMENT OF PUBLIC HEALTH. There is
31 appropriated from the general fund of the state to
32 the department of public health for the fiscal year
33 beginning July 1, 2012, and ending June 30, 2013, the
34 following amounts, or so much thereof as is necessary,
35 to be used for the purposes designated:

36 1. ADDICTIVE DISORDERS

37 For reducing the prevalence of use of tobacco,
38 alcohol, and other drugs, and treating individuals
39 affected by addictive behaviors, including gambling,
40 and for not more than the following full-time
41 equivalent positions:

42 \$ 17,597,712
43 FTEs 13.00

44 a. (1) Of the funds appropriated in this
45 subsection, \$385,756 shall be transferred to the
46 alcoholic beverages division of the department of
47 commerce for enforcement of tobacco laws, regulations,
48 and ordinances in accordance with 2011 Iowa Acts, House
49 File 467, as enacted.

50 (2) Implementation of the tobacco use prevention

1 and control initiative for the fiscal year beginning
2 July 1, 2011, including efforts at the state and local
3 levels, as provided in chapter 142A, shall be limited
4 to the extent of the funding available.

5 b. Of the funds appropriated in this subsection
6 1, \$17,211,956 shall be used for problem gambling and
7 substance abuse prevention, treatment, and recovery
8 services, including a 24-hour helpline, public
9 information resources, professional training, and
10 program evaluation.

11 (1) Of the funds allocated in this paragraph
12 "b", \$14,562,632 shall be used for substance abuse
13 prevention and treatment.

14 (a) Of the funds allocated in this subparagraph
15 (1), \$764,405 shall be used for the public purpose of
16 a grant program to provide substance abuse prevention
17 programming for children.

18 (i) Of the funds allocated in this subparagraph
19 division (a), \$363,408 shall be used for grant funding
20 for organizations that provide programming for
21 children by utilizing mentors. Programs approved for
22 such grants shall be certified or will be certified
23 within six months of receiving the grant award by the
24 Iowa commission on volunteer services as utilizing
25 the standards for effective practice for mentoring
26 programs.

27 (ii) Of the funds allocated in this subparagraph
28 division (a), \$362,813 shall be used for grant
29 funding for organizations that provide programming
30 that includes youth development and leadership. The
31 programs shall also be recognized as being programs
32 that are scientifically based with evidence of their
33 effectiveness in reducing substance abuse in children.

34 (iii) The department of public health shall utilize
35 a request for proposals process to implement the grant
36 program.

37 (iv) All grant recipients shall participate in a
38 program evaluation as a requirement for receiving grant
39 funds.

40 (v) Of the funds allocated in this subparagraph
41 division (a), up to \$38,184 may be used to administer
42 substance abuse prevention grants and for program
43 evaluations.

44 (b) Of the funds allocated in this subparagraph
45 (1), \$232,103 shall be used for culturally competent
46 substance abuse treatment pilot projects.

47 (i) The department shall utilize the amount
48 allocated in this subparagraph division (b) for at
49 least three pilot projects to provide culturally
50 competent substance abuse treatment in various areas

1 of the state. Each pilot project shall target a
2 particular ethnic minority population. The populations
3 targeted shall include but are not limited to African
4 American, Asian, and Latino.

5 (ii) The pilot project requirements shall provide
6 for documentation or other means to ensure access
7 to the cultural competence approach used by a pilot
8 project so that such approach can be replicated and
9 improved upon in successor programs.

10 (2) Of the funds allocated in this paragraph "b",
11 up to \$2,649,324 may be used for problem gambling
12 prevention, treatment, and recovery services.

13 (a) Of the funds allocated in this subparagraph
14 (2), \$2,192,150 shall be used for problem gambling
15 prevention and treatment.

16 (b) Of the funds allocated in this subparagraph
17 (2), up to \$372,174 may be used for a 24-hour helpline,
18 public information resources, professional training,
19 and program evaluation.

20 (c) Of the funds allocated in this subparagraph
21 (2), up to \$85,000 may be used for the licensing of
22 problem gambling treatment programs.

23 (3) It is the intent of the general assembly that
24 from the moneys allocated in this paragraph "b",
25 persons with a dual diagnosis of substance abuse
26 and gambling addictions shall be given priority in
27 treatment services.

28 c. Notwithstanding any provision of law to the
29 contrary, to standardize the availability, delivery,
30 cost of delivery, and accountability of problem
31 gambling and substance abuse treatment services
32 statewide, the department shall continue implementation
33 of a process to create a system for delivery of
34 treatment services in accordance with the requirements
35 specified in 2008 Iowa Acts, chapter 1187, section
36 3, subsection 4. To ensure the system provides a
37 continuum of treatment services that best meets the
38 needs of Iowans, the problem gambling and substance
39 abuse treatment services in any area may be provided
40 either by a single agency or by separate agencies
41 submitting a joint proposal.

42 (1) The system for delivery of substance abuse
43 and problem gambling treatment shall include problem
44 gambling prevention by July 1, 2012. The department
45 shall submit a proposed legislative bill in accordance
46 with section 2.16, for consideration during the 2012
47 legislative session, addressing any statutory revisions
48 necessary for full implementation of the system.

49 (2) The system for delivery of substance abuse and
50 problem gambling treatment shall include substance

1 abuse prevention by July 1, 2014.

2 (3) Of the funds allocated in paragraph "b", the
3 department may use up to \$85,000 for administrative
4 costs to continue developing and implementing the
5 process in accordance with this paragraph "c".

6 d. The requirement of section 123.53, subsection
7 5, is met by the appropriations and allocations made
8 in the health and human services divisions of this Act
9 for purposes of substance abuse treatment and addictive
10 disorders for the fiscal year beginning July 1, 2012.

11 e. The department of public health shall work
12 with all other departments that fund substance
13 abuse prevention and treatment services and all
14 such departments shall, to the extent necessary,
15 collectively meet the state maintenance of effort
16 requirements for expenditures for substance abuse
17 services as required under the federal substance abuse
18 prevention and treatment block grant.

19 f. The department shall amend or otherwise
20 revise departmental policies and contract provisions
21 in order to eliminate free t-shirt distribution,
22 banner production, and other unnecessary promotional
23 expenditures.

24 2. HEALTHY CHILDREN AND FAMILIES

25 For promoting the optimum health status for
26 children, adolescents from birth through 21 years of
27 age, and families, and for not more than the following
28 full-time equivalent positions:

29	\$	2,205,130
30	FTEs	10.00

31 a. Of the funds appropriated in this subsection,
32 not more than \$628,420 shall be used for the healthy
33 opportunities to experience success (HOPES)-healthy
34 families Iowa (HFI) program established pursuant to
35 section 135.106. The funding shall be distributed to
36 renew the grants that were provided to the grantees
37 that operated the program during the fiscal year ending
38 June 30, 2012.

39 b. Of the funds appropriated in this subsection,
40 \$280,402 shall be used to continue to address the
41 healthy mental development of children from birth
42 through five years of age through local evidence-based
43 strategies that engage both the public and private
44 sectors in promoting healthy development, prevention,
45 and treatment for children.

46 c. Of the funds appropriated in this subsection,
47 \$26,857 shall be distributed to a statewide dental
48 carrier to provide funds to continue the donated dental
49 services program patterned after the projects developed
50 by the lifeline network to provide dental services to

1 indigent elderly and disabled individuals.

2 d. Of the funds appropriated in this subsection,
3 \$95,775 shall be used for childhood obesity prevention.

4 e. Of the funds appropriated in this subsection,
5 \$139,196 shall be used to provide audiological services
6 and hearing aids for children. The department may
7 enter into a contract to administer this paragraph.

8 3. CHRONIC CONDITIONS

9 For serving individuals identified as having chronic
10 conditions or special health care needs, and for not
11 more than the following full-time equivalent positions:
12 \$ 2,922,802
13 FTEs 4.00

14 a. Of the funds appropriated in this subsection,
15 \$136,495 shall be used for grants to individual
16 patients who have phenylketonuria (PKU) to assist with
17 the costs of necessary special foods.

18 b. Of the funds appropriated in this subsection,
19 \$411,060 is allocated for continuation of the contracts
20 for resource facilitator services in accordance with
21 section 135.22B, subsection 9, and for brain injury
22 training services and recruiting of service providers
23 to increase the capacity within this state to address
24 the needs of individuals with brain injuries and such
25 individuals' families.

26 c. Of the funds appropriated in this subsection,
27 \$398,543 shall be used as additional funding to
28 leverage federal funding through the federal Ryan
29 White Care Act, Tit. II, AIDS drug assistance program
30 supplemental drug treatment grants.

31 d. Of the funds appropriated in this subsection,
32 \$26,566 shall be used for the public purpose of
33 providing a grant to an existing national-affiliated
34 organization to provide education, client-centered
35 programs, and client and family support for people
36 living with epilepsy and their families.

37 e. Of the funds appropriated in this subsection,
38 \$670,057 shall be used for child health specialty
39 clinics.

40 f. Of the funds appropriated in this subsection,
41 \$604,394 shall be used for the comprehensive cancer
42 control program to reduce the burden of cancer in
43 Iowa through prevention, early detection, effective
44 treatment, and ensuring quality of life. Of the funds
45 allocated in this lettered paragraph, \$309,389 shall
46 be used to support a melanoma research symposium,
47 a melanoma biorepository and registry, basic and
48 translational melanoma research, and clinical trials.

49 g. Of the funds appropriated in this subsection,
50 \$107,483 shall be used for cervical and colon cancer

1 screening.

2 h. Of the funds appropriated in this subsection,
3 \$358,515 shall be used for the center for congenital
4 and inherited disorders.

5 i. Of the funds appropriated in this subsection,
6 \$110,446 shall be used for the prescription drug
7 donation repository program created in chapter 135M.

8 4. COMMUNITY CAPACITY

9 For strengthening the health care delivery system at
10 the local level, and for not more than the following
11 full-time equivalent positions:

12	\$	3,751,954
13	FTEs	14.00

14 a. Of the funds appropriated in this subsection,
15 \$85,000 is allocated for a child vision screening
16 program implemented through the university of Iowa
17 hospitals and clinics in collaboration with early
18 childhood Iowa areas.

19 b. Of the funds appropriated in this subsection,
20 \$94,612 is allocated for continuation of an initiative
21 implemented at the university of Iowa and \$85,419 is
22 allocated for continuation of an initiative at the
23 state mental health institute at Cherokee to expand
24 and improve the workforce engaged in mental health
25 treatment and services. The initiatives shall receive
26 input from the university of Iowa, the department of
27 human services, the department of public health, and
28 the mental health, mental retardation, developmental
29 disabilities, and brain injury commission to address
30 the focus of the initiatives.

31 c. Of the funds appropriated in this subsection,
32 \$995,767 shall be used for essential public health
33 services that promote healthy aging throughout the
34 lifespan, contracted through a formula for local boards
35 of health, to enhance health promotion and disease
36 prevention services.

37 d. Of the funds appropriated in this section,
38 \$103,544 shall be deposited in the governmental public
39 health system fund created in section 135A.8 to be used
40 for the purposes of the fund.

41 e. Of the funds appropriated in this subsection,
42 \$90,337 shall be used for the mental health
43 professional shortage area program implemented pursuant
44 to section 135.80.

45 f. Of the funds appropriated in this subsection,
46 \$32,524 shall be used for a grant to a statewide
47 association of psychologists that is affiliated
48 with the American psychological association to be
49 used for continuation of a program to rotate intern
50 psychologists in placements in urban and rural mental

1 health professional shortage areas, as defined in
2 section 135.80.

3 g. Of the funds appropriated in this subsection,
4 the following amounts shall be allocated to the Iowa
5 collaborative safety net provider network established
6 pursuant to section 135.153 to be used for the purposes
7 designated. The following amounts allocated under
8 this lettered paragraph shall be distributed to
9 the specified provider and shall not be reduced for
10 administrative or other costs prior to distribution:

11 (1) For distribution to the Iowa primary care
12 association for statewide coordination of the Iowa
13 collaborative safety net provider network:

14 \$ 99,107

15 (2) For distribution to the local boards of health
16 that provide direct services for pilot programs in
17 three counties to assist patients in determining an
18 appropriate medical home:

19 \$ 58,082

20 (3) For distribution to maternal and child health
21 centers for pilot programs in three counties to assist
22 patients in determining an appropriate medical home:

23 \$ 58,082

24 (4) For distribution to free clinics for necessary
25 infrastructure, statewide coordination, provider
26 recruitment, service delivery, and provision of
27 assistance to patients in determining an appropriate
28 medical home:

29 \$ 96,691

30 (5) For distribution to rural health clinics for
31 necessary infrastructure, statewide coordination,
32 provider recruitment, service delivery, and provision
33 of assistance to patients in determining an appropriate
34 medical home:

35 \$ 86,074

36 (6) For continuation of the safety net provider
37 patient access to specialty health care initiative as
38 described in 2007 Iowa Acts, chapter 218, section 109:

39 \$ 202,657

40 (7) For continuation of the pharmaceutical
41 infrastructure for safety net providers as described in
42 2007 Iowa Acts, chapter 218, section 108:

43 \$ 210,452

44 The Iowa collaborative safety net provider network
45 may continue to distribute funds allocated pursuant to
46 this lettered paragraph through existing contracts or
47 renewal of existing contracts.

48 h. Of the funds appropriated in this subsection,
49 \$85,000 shall be used for continued implementation of
50 the recommendations of the direct care worker task

1 force established pursuant to 2005 Iowa Acts, chapter
2 88, based upon the report submitted to the governor and
3 the general assembly in December 2006. The department
4 may use a portion of the funds allocated in this
5 lettered paragraph for an additional position to assist
6 in the continued implementation.

7 i. Of the funds appropriated in this subsection,
8 \$127,500 shall be used for allocation through a request
9 for proposals process to a statewide direct care worker
10 association for education, outreach, and mentoring
11 intended to enhance the recruitment and retention of
12 direct care workers in health care and long-term care
13 settings. Funding allocated under this paragraph shall
14 not be used by the recipient association for lobbying
15 activities as described in section 689B.36.

16 j. The department may utilize one of the full-time
17 equivalent positions authorized in this subsection for
18 administration of the activities related to the Iowa
19 collaborative safety net provider network.

20 k. Of the funds appropriated in this subsection,
21 the department may use up to \$51,000 for up to one
22 full-time equivalent position to administer the
23 volunteer health care provider program pursuant to
24 section 135.24.

25 l. Of the funds appropriated in this subsection,
26 \$42,500 shall be used for a matching dental education
27 loan repayment program to be allocated to a dental
28 nonprofit health service corporation to develop the
29 criteria and implement the loan repayment program.

30 m. Of the funds appropriated in this subsection,
31 \$309,389 shall be used as state matching funds for
32 the health information network as established by the
33 department of public health.

34 5. HEALTHY AGING

35 To provide public health services that reduce risks
36 and invest in promoting and protecting good health over
37 the course of a lifetime with a priority given to older
38 Iowans and vulnerable populations:

39 \$ 6,202,571

40 a. Of the funds appropriated in this subsection,
41 \$1,707,809 shall be used for local public health
42 nursing services.

43 b. Of the funds appropriated in this subsection,
44 \$4,494,762 shall be used for home care aide services.

45 6. ENVIRONMENTAL HAZARDS

46 For reducing the public's exposure to hazards in the
47 environment, primarily chemical hazards, and for not
48 more than the following full-time equivalent positions:

49 \$ 691,710
50 FTEs 4.00

1 Of the funds appropriated in this subsection,
2 \$462,720 shall be used for childhood lead poisoning
3 provisions.

4 7. INFECTIOUS DISEASES

5 For reducing the incidence and prevalence of
6 communicable diseases, and for not more than the
7 following full-time equivalent positions:

8 \$ 1,143,970
9 FTEs 4.00

10 8. PUBLIC PROTECTION

11 For protecting the health and safety of the
12 public through establishing standards and enforcing
13 regulations, and for not more than the following
14 full-time equivalent positions:

15 \$ 2,359,797
16 FTEs 125.00

17 a. Of the funds appropriated in this subsection,
18 not more than \$400,936 shall be credited to the
19 emergency medical services fund created in section
20 135.25. Moneys in the emergency medical services fund
21 are appropriated to the department to be used for the
22 purposes of the fund.

23 b. Of the funds appropriated in this subsection,
24 \$179,026 shall be used for sexual violence prevention
25 programming through a statewide organization
26 representing programs serving victims of sexual
27 violence through the department's sexual violence
28 prevention program. The amount allocated in this
29 lettered paragraph shall not be used to supplant
30 funding administered for other sexual violence
31 prevention or victims assistance programs.

32 c. Of the funds appropriated in this subsection,
33 not more than \$371,095 shall be used for the state
34 poison control center.

35 9. RESOURCE MANAGEMENT

36 For establishing and sustaining the overall
37 ability of the department to deliver services to the
38 public, and for not more than the following full-time
39 equivalent positions:

40 \$ 696,621
41 FTEs 7.00

42 The university of Iowa hospitals and clinics under
43 the control of the state board of regents shall not
44 receive indirect costs from the funds appropriated in
45 this section. The university of Iowa hospitals and
46 clinics billings to the department shall be on at least
47 a quarterly basis.

48 DIVISION XV
49 HEALTH AND HUMAN SERVICES
50 DEPARTMENT OF VETERANS AFFAIRS — FY 2012-2013

1 Sec. 108. DEPARTMENT OF VETERANS AFFAIRS. There
2 is appropriated from the general fund of the state to
3 the department of veterans affairs for the fiscal year
4 beginning July 1, 2012, and ending June 30, 2013, the
5 following amounts, or so much thereof as is necessary,
6 to be used for the purposes designated:

7 1. DEPARTMENT OF VETERANS AFFAIRS ADMINISTRATION
8 For salaries, support, maintenance, and
9 miscellaneous purposes, including the war orphans
10 educational assistance fund created in section
11 35.8, and for not more than the following full-time
12 equivalent positions:
13 \$ 849,007
14 FTEs 16.34

15 2. IOWA VETERANS HOME
16 For salaries, support, maintenance, and
17 miscellaneous purposes:
18 \$ 7,609,328

19 a. The Iowa veterans home billings involving the
20 department of human services shall be submitted to the
21 department on at least a monthly basis.

22 b. If there is a change in the employer of
23 employees providing services at the Iowa veterans home
24 under a collective bargaining agreement, such employees
25 and the agreement shall be continued by the successor
26 employer as though there had not been a change in
27 employer.

28 c. Within available resources and in conformance
29 with associated state and federal program eligibility
30 requirements, the Iowa veterans home may implement
31 measures to provide financial assistance to or on
32 behalf of veterans or their spouses participating in
33 the community reentry program.

34 3. STATE EDUCATIONAL ASSISTANCE — CHILDREN OF
35 DECEASED VETERANS
36 For provision of educational assistance pursuant to
37 section 35.9:
38 \$ 10,554

39 Sec. 109. LIMITATION OF COUNTY
40 COMMISSION OF VETERANS AFFAIRS FUND STANDING
41 APPROPRIATIONS. Notwithstanding the standing
42 appropriation in the following designated section for
43 the fiscal year beginning July 1, 2012, and ending June
44 30, 2013, the amounts appropriated from the general
45 fund of the state pursuant to that section for the
46 following designated purposes shall not exceed the
47 following amount:

48 For the county commissions of veterans affairs fund
49 under section 35A.16:
50 \$ 841,500

DIVISION XVI

HEALTH AND HUMAN SERVICES

DEPARTMENT OF HUMAN SERVICES — FY 2012-2013

Sec. 110. TEMPORARY ASSISTANCE FOR NEEDY FAMILIES BLOCK GRANT. There is appropriated from the fund created in section 8.41 to the department of human services for the fiscal year beginning July 1, 2012, and ending June 30, 2013, from moneys received under the federal temporary assistance for needy families (TANF) block grant pursuant to the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Pub. L. No. 104-193, and successor legislation, and from moneys received under the emergency contingency fund for temporary assistance for needy families state program established pursuant to the federal American Recovery and Reinvestment Act of 2009, Pub. L. No. 111-5 § 2101, and successor legislation, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. To be credited to the family investment program account and used for assistance under the family investment program under chapter 239B:

..... \$ 18,275,627

2. To be credited to the family investment program account and used for the job opportunities and basic skills (JOBS) program and implementing family investment agreements in accordance with chapter 239B:

..... \$ 10,549,799

3. To be used for the family development and self-sufficiency grant program in accordance with section 216A.107:

..... \$ 2,464,133

Notwithstanding section 8.33, moneys appropriated in this subsection that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated until the close of the succeeding fiscal year. However, unless such moneys are encumbered or obligated on or before September 30, 2013, the moneys shall revert.

4. For field operations:

..... \$ 26,601,797

5. For general administration:

..... \$ 3,182,400

6. For state child care assistance:

..... \$ 13,925,284

The funds appropriated in this subsection shall be transferred to the child care and development block grant appropriation made by the Eighty-fourth General

1 Assembly, 2012 Session, for the federal fiscal year
2 beginning October 1, 2012, and ending September 30,
3 2013. Of this amount, \$170,000 shall be used for
4 provision of educational opportunities to registered
5 child care home providers in order to improve services
6 and programs offered by this category of providers and
7 to increase the number of providers. The department
8 may contract with institutions of higher education or
9 child care resource and referral centers to provide the
10 educational opportunities. Allowable administrative
11 costs under the contracts shall not exceed 5 percent.
12 The application for a grant shall not exceed two pages
13 in length.

14 7. For mental health and developmental disabilities
15 community services:

16 \$ 4,159,944

17 8. For child and family services:

18 \$ 27,271,766

19 9. For child abuse prevention grants:

20 \$ 106,250

21 10. For pregnancy prevention grants on the
22 condition that family planning services are funded:

23 \$ 1,640,557

24 Pregnancy prevention grants shall be awarded
25 to pregnancy prevention programs that are based
26 on existing models that have demonstrated positive
27 outcomes. Grants shall comply with the requirements
28 provided in 1997 Iowa Acts, chapter 208, section 14,
29 subsections 1 and 2, including the requirement that
30 grant programs must emphasize sexual abstinence.
31 Priority in the awarding of grants shall be given
32 to programs that serve areas of the state which
33 demonstrate the highest percentage of unplanned
34 pregnancies of females of childbearing age within the
35 geographic area to be served by the grant.

36 11. For technology needs and other resources
37 necessary to meet federal welfare reform reporting,
38 tracking, and case management requirements:

39 \$ 881,608

40 12. To be credited to the state child care
41 assistance appropriation made in this section to be
42 used for funding of community-based early childhood
43 programs targeted to children from birth through five
44 years of age developed by early childhood Iowa areas as
45 provided in section 256I.11:

46 \$ 5,397,500

47 The department shall transfer TANF block grant
48 funding appropriated and allocated in this subsection
49 to the child care and development block grant
50 appropriation in accordance with federal law as

1 necessary to comply with the provisions of this
2 subsection.

3 13. a. Notwithstanding any provision to the
4 contrary, including but not limited to requirements
5 in section 8.41 or provisions in 2011 or 2012 Iowa
6 Acts regarding the receipt and appropriation of
7 federal block grants, federal funds from the emergency
8 contingency fund for temporary assistance for needy
9 families state program established pursuant to the
10 federal American Recovery and Reinvestment Act of
11 2009, Pub. L. No. 111-5 § 2101, received by the state
12 during the fiscal year beginning July 1, 2011, and
13 ending June 30, 2012, not otherwise appropriated in
14 this section and remaining available as of July 1,
15 2012, and received by the state during the fiscal year
16 beginning July 1, 2012, and ending June 30, 2013, are
17 appropriated to the extent as may be necessary to be
18 used in the following priority order: the family
19 investment program for the fiscal year and for state
20 child care assistance program payments for individuals
21 enrolled in the family investment program who are
22 employed. The federal funds appropriated in this
23 paragraph "a" shall be expended only after all other
24 funds appropriated in subsection 1 for the assistance
25 under the family investment program under chapter 239B
26 have been expended.

27 b. The department shall, on a quarterly basis,
28 advise the legislative services agency and department
29 of management of the amount of funds appropriated in
30 this subsection that was expended in the prior quarter.

31 14. Of the amounts appropriated in this section,
32 \$11,017,707 for the fiscal year beginning July 1,
33 2012, shall be transferred to the appropriation of
34 the federal social services block grant made for that
35 fiscal year.

36 15. For continuation of the program allowing the
37 department to maintain categorical eligibility for the
38 food assistance program as required under the section
39 of this division of this Act relating to the family
40 investment account:

41 \$ 124,161

42 16. The department may transfer funds allocated
43 in this section to the appropriations made in this
44 division of this Act for general administration and
45 field operations for resources necessary to implement
46 and operate the services referred to in this section
47 and those funded in the appropriation made in this
48 division of this Act for the family investment program
49 from the general fund of the state.

50 Sec. 111. FAMILY INVESTMENT PROGRAM ACCOUNT.

1 1. Moneys credited to the family investment program
2 (FIP) account for the fiscal year beginning July
3 1, 2012, and ending June 30, 2013, shall be used to
4 provide assistance in accordance with chapter 239B.

5 2. The department may use a portion of the moneys
6 credited to the FIP account under this section as
7 necessary for salaries, support, maintenance, and
8 miscellaneous purposes.

9 3. The department may transfer funds allocated in
10 this section to the appropriations in this division
11 of this Act for general administration and field
12 operations for resources necessary to implement and
13 operate the services referred to in this section and
14 those funded in the appropriation made in this division
15 of this Act for the family investment program from the
16 general fund of the state.

17 4. Moneys appropriated in this division of this Act
18 and credited to the FIP account for the fiscal year
19 beginning July 1, 2012, and ending June 30, 2013, are
20 allocated as follows:

21 a. To be retained by the department of human
22 services to be used for coordinating with the
23 department of human rights to more effectively serve
24 participants in the FIP program and other shared
25 clients and to meet federal reporting requirements
26 under the federal temporary assistance for needy
27 families block grant:

28 \$ 17,000

29 b. To the department of human rights for staffing,
30 administration, and implementation of the family
31 development and self-sufficiency grant program in
32 accordance with section 216A.107:

33 \$ 4,541,409

34 (1) Of the funds allocated for the family
35 development and self-sufficiency grant program in this
36 lettered paragraph, not more than 5 percent of the
37 funds shall be used for the administration of the grant
38 program.

39 (2) The department of human rights may continue to
40 implement the family development and self-sufficiency
41 grant program statewide during fiscal year 2012-2013.

42 c. For the diversion subaccount of the FIP account:
43 \$ 1,443,640

44 A portion of the moneys allocated for the subaccount
45 may be used for field operations salaries, data
46 management system development, and implementation
47 costs and support deemed necessary by the director of
48 human services in order to administer the FIP diversion
49 program.

50 d. For the food stamp employment and training

1 program:

2 \$ 56,600

3 (1) The department shall amend the food stamp
4 employment and training state plan in order to maximize
5 to the fullest extent permitted by federal law the
6 use of the 50-50 match provisions for the claiming
7 of allowable federal matching funds from the United
8 States department of agriculture pursuant to the
9 federal food stamp employment and training program for
10 providing education, employment, and training services
11 for eligible food assistance program participants,
12 including but not limited to related dependent care and
13 transportation expenses.

14 (2) The department shall continue the categorical
15 federal food assistance program eligibility at 160
16 percent of the federal poverty level and continue to
17 eliminate the asset test from eligibility requirements,
18 consistent with federal food assistance program
19 requirements. The department shall include as many
20 food assistance households as is allowed by federal
21 law. The eligibility provisions shall conform to all
22 federal requirements including requirements addressing
23 individuals who are incarcerated or otherwise
24 ineligible.

25 e. For the JOBS program:

26 \$ 17,200,519

27 5. Of the child support collections assigned under
28 FIP, an amount equal to the federal share of support
29 collections shall be credited to the child support
30 recovery appropriation made in this division of this
31 Act. Of the remainder of the assigned child support
32 collections received by the child support recovery
33 unit, a portion shall be credited to the FIP account,
34 a portion may be used to increase recoveries, and a
35 portion may be used to sustain cash flow in the child
36 support payments account. If as a consequence of the
37 appropriations and allocations made in this section
38 the resulting amounts are insufficient to sustain
39 cash assistance payments and meet federal maintenance
40 of effort requirements, the department shall seek
41 supplemental funding. If child support collections
42 assigned under FIP are greater than estimated or are
43 otherwise determined not to be required for maintenance
44 of effort, the state share of either amount may be
45 transferred to or retained in the child support payment
46 account.

47 6. The department may adopt emergency rules for
48 the family investment, JOBS, food stamp, and medical
49 assistance programs if necessary to comply with federal
50 requirements.

1 Sec. 112. FAMILY INVESTMENT PROGRAM GENERAL
2 FUND. There is appropriated from the general fund of
3 the state to the department of human services for the
4 fiscal year beginning July 1, 2012, and ending June 30,
5 2013, the following amount, or so much thereof as is
6 necessary, to be used for the purpose designated:
7 To be credited to the family investment program
8 (FIP) account and used for family investment program
9 assistance under chapter 239B:

10 \$ 42,645,373

11 1. Of the funds appropriated in this section,
12 \$6,650,720 is allocated for the JOBS program.

13 2. Of the funds appropriated in this section,
14 \$2,094,276 is allocated for the family development and
15 self-sufficiency grant program.

16 3. Notwithstanding section 8.39, for the fiscal
17 year beginning July 1, 2012, if necessary to meet
18 federal maintenance of effort requirements or to
19 transfer federal temporary assistance for needy
20 families block grant funding to be used for purposes
21 of the federal social services block grant or to meet
22 cash flow needs resulting from delays in receiving
23 federal funding or to implement, in accordance with
24 this division of this Act, activities currently funded
25 with juvenile court services, county, or community
26 moneys and state moneys used in combination with such
27 moneys, the department of human services may transfer
28 funds within or between any of the appropriations made
29 in this division of this Act and appropriations in law
30 for the federal social services block grant to the
31 department for the following purposes, provided that
32 the combined amount of state and federal temporary
33 assistance for needy families block grant funding for
34 each appropriation remains the same before and after
35 the transfer:

- 36 a. For the family investment program.
- 37 b. For child care assistance.
- 38 c. For child and family services.
- 39 d. For field operations.
- 40 e. For general administration.
- 41 f. MH/MR/DD/BI community services (local purchase).

42 This subsection shall not be construed to prohibit
43 the use of existing state transfer authority for other
44 purposes. The department shall report any transfers
45 made pursuant to this subsection to the legislative
46 services agency.

47 4. Of the funds appropriated in this section,
48 \$166,326 shall be used for continuation of a grant to
49 an Iowa-based nonprofit organization with a history
50 of providing tax preparation assistance to low-income

1 Iowans in order to expand the usage of the earned
2 income tax credit. The purpose of the grant is to
3 supply this assistance to underserved areas of the
4 state.

5 Sec. 113. CHILD SUPPORT RECOVERY. There is
6 appropriated from the general fund of the state to
7 the department of human services for the fiscal year
8 beginning July 1, 2012, and ending June 30, 2013, the
9 following amount, or so much thereof as is necessary,
10 to be used for the purposes designated:

11 For child support recovery, including salaries,
12 support, maintenance, and miscellaneous purposes, and
13 for not more than the following full-time equivalent
14 positions:

15 \$ 11,087,783
16 FTEs 475.00

17 1. The department shall expend up to \$20,680,
18 including federal financial participation, for the
19 fiscal year beginning July 1, 2012, for a child support
20 public awareness campaign. The department and the
21 office of the attorney general shall cooperate in
22 continuation of the campaign. The public awareness
23 campaign shall emphasize, through a variety of media
24 activities, the importance of maximum involvement of
25 both parents in the lives of their children as well as
26 the importance of payment of child support obligations.

27 2. Federal access and visitation grant moneys shall
28 be issued directly to private not-for-profit agencies
29 that provide services designed to increase compliance
30 with the child access provisions of court orders,
31 including but not limited to neutral visitation sites
32 and mediation services.

33 3. The appropriation made to the department for
34 child support recovery may be used throughout the
35 fiscal year in the manner necessary for purposes of
36 cash flow management, and for cash flow management
37 purposes the department may temporarily draw more
38 than the amount appropriated, provided the amount
39 appropriated is not exceeded at the close of the fiscal
40 year.

41 4. With the exception of the funding amount
42 specified, the requirements established under 2001
43 Iowa Acts, chapter 191, section 3, subsection 5,
44 paragraph "c", subparagraph (3), shall be applicable
45 to parental obligation pilot projects for the fiscal
46 year beginning July 1, 2012, and ending June 30,
47 2013. Notwithstanding 441 IAC 100.8, providing for
48 termination of rules relating to the pilot projects,
49 the rules shall remain in effect until June 30, 2013.

50 Sec. 114. HEALTH CARE TRUST FUND — MEDICAL

1 ASSISTANCE. Any funds remaining in the health
2 care trust fund created in section 453A.35A for the
3 fiscal year beginning July 1, 2012, and ending June
4 30, 2013, are appropriated to the department of
5 human services to supplement the medical assistance
6 program appropriations made in the health and human
7 services divisions of this Act, for medical assistance
8 reimbursement and associated costs, including
9 program administration and costs associated with
10 implementation.

11 Sec. 115. MEDICAL ASSISTANCE. There is
12 appropriated from the general fund of the state to
13 the department of human services for the fiscal year
14 beginning July 1, 2012, and ending June 30, 2013, the
15 following amount, or so much thereof as is necessary,
16 to be used for the purpose designated:

17 For medical assistance reimbursement and associated
18 costs as specifically provided in the reimbursement
19 methodologies in effect on June 30, 2012, except as
20 otherwise expressly authorized by law, including
21 reimbursement for abortion services which shall be
22 available under the medical assistance program only for
23 those abortions which are medically necessary:

24 \$907,162,189

25 1. Medically necessary abortions are those
26 performed under any of the following conditions:

27 a. The attending physician certifies that
28 continuing the pregnancy would endanger the life of the
29 pregnant woman.

30 b. Any spontaneous abortion, commonly known as a
31 miscarriage, if not all of the products of conception
32 are expelled.

33 2. The department shall utilize not more than
34 \$60,000 of the funds appropriated in this section
35 to continue the AIDS/HIV health insurance premium
36 payment program as established in 1992 Iowa Acts,
37 Second Extraordinary Session, chapter 1001, section
38 409, subsection 6. Of the funds allocated in this
39 subsection, not more than \$5,000 may be expended for
40 administrative purposes.

41 3. Of the funds appropriated in the department of
42 public health division of this Act to the department of
43 public health for addictive disorders for FY 2012-2013,
44 \$950,000 for the fiscal year beginning July 1, 2012,
45 shall be transferred to the department of human
46 services for an integrated substance abuse managed care
47 system. The department shall not assume management
48 of the substance abuse system in place of the managed
49 care contractor unless such a change in approach is
50 specifically authorized in law. The departments of

1 human services and public health shall work together
2 to maintain the level of mental health and substance
3 abuse services provided by the managed care contractor
4 through the Iowa plan for behavioral health. Each
5 department shall take the steps necessary to continue
6 the federal waivers as necessary to maintain the level
7 of services.

8 4. a. The department shall aggressively pursue
9 options for providing medical assistance or other
10 assistance to individuals with special needs who become
11 ineligible to continue receiving services under the
12 early and periodic screening, diagnostic, and treatment
13 program under the medical assistance program due
14 to becoming 21 years of age who have been approved
15 for additional assistance through the department's
16 exception to policy provisions, but who have health
17 care needs in excess of the funding available through
18 the exception to policy provisions.

19 b. Of the funds appropriated in this section,
20 \$100,000 shall be used for participation in one or more
21 pilot projects operated by a private provider to allow
22 the individual or individuals to receive service in the
23 community in accordance with principles established in
24 *Olmstead v. L.C.*, 527 U.S. 581 (1999), for the purpose
25 of providing medical assistance or other assistance to
26 individuals with special needs who become ineligible
27 to continue receiving services under the early and
28 periodic screening, diagnosis, and treatment program
29 under the medical assistance program due to becoming
30 21 years of age who have been approved for additional
31 assistance through the department's exception to policy
32 provisions, but who have health care needs in excess
33 of the funding available through the exception to the
34 policy provisions.

35 5. Of the funds appropriated in this section, up to
36 \$3,050,082 may be transferred to the field operations
37 or general administration appropriations in this
38 division of this Act for operational costs associated
39 with Part D of the federal Medicare Prescription Drug
40 Improvement and Modernization Act of 2003, Pub. L. No.
41 108-173.

42 6. Of the funds appropriated in this section, up
43 to \$442,100 may be transferred to the appropriation
44 in this division of this Act for medical contracts
45 to be used for clinical assessment services and prior
46 authorization of services.

47 7. A portion of the funds appropriated in this
48 section may be transferred to the appropriations in
49 this division of this Act for general administration,
50 medical contracts, the children's health insurance

1 program, or field operations to be used for the
2 state match cost to comply with the payment error
3 rate measurement (PERM) program for both the medical
4 assistance and children's health insurance programs
5 as developed by the centers for Medicare and Medicaid
6 services of the United States department of health and
7 human services to comply with the federal Improper
8 Payments Information Act of 2002, Pub. L. No. 107-300.

9 8. It is the intent of the general assembly
10 that the department continue to implement the
11 recommendations of the assuring better child health
12 and development initiative II (ABCDII) clinical panel
13 to the Iowa early and periodic screening, diagnostic,
14 and treatment services healthy mental development
15 collaborative board regarding changes to billing
16 procedures, codes, and eligible service providers.

17 9. Of the funds appropriated in this section,
18 a sufficient amount is allocated to supplement
19 the incomes of residents of nursing facilities,
20 intermediate care facilities for persons with mental
21 illness, and intermediate care facilities for persons
22 with mental retardation, with incomes of less than \$50
23 in the amount necessary for the residents to receive a
24 personal needs allowance of \$50 per month pursuant to
25 section 249A.30A.

26 10. Of the funds appropriated in this section,
27 the following amounts shall be transferred to the
28 appropriations made in this division of this Act for
29 the state mental health institutes:

- 30 a. Cherokee mental health institute \$
- 31 9,098,425
- 32 b. Clarinda mental health institute \$
- 33 1,977,305
- 34 c. Independence mental health institute \$
- 35 9,045,894
- 36 d. Mount Pleasant mental health institute \$
- 37 5,752,587

38 11. a. Of the funds appropriated in this section,
39 \$7,425,684 is allocated for the state match for a
40 disproportionate share hospital payment of \$19,133,430
41 to hospitals that meet both of the conditions specified
42 in subparagraphs (1) and (2). In addition, the
43 hospitals that meet the conditions specified shall
44 either certify public expenditures or transfer to
45 the medical assistance program an amount equal to
46 provide the nonfederal share for a disproportionate
47 share hospital payment of \$7,500,000. The hospitals
48 that meet the conditions specified shall receive and
49 retain 100 percent of the total disproportionate share
50 hospital payment of \$26,633,430.

1 (1) The hospital qualifies for disproportionate
2 share and graduate medical education payments.
3 (2) The hospital is an Iowa state-owned hospital
4 with more than 500 beds and eight or more distinct
5 residency specialty or subspecialty programs recognized
6 by the American college of graduate medical education.
7 b. Distribution of the disproportionate share
8 payments shall be made on a monthly basis. The total
9 amount of disproportionate share payments including
10 graduate medical education, enhanced disproportionate
11 share, and Iowa state-owned teaching hospital payments
12 shall not exceed the amount of the state's allotment
13 under Pub. L. No. 102-234. In addition, the total
14 amount of all disproportionate share payments shall not
15 exceed the hospital-specific disproportionate share
16 limits under Pub. L. No. 103-66.
17 12. The university of Iowa hospitals and clinics
18 shall either certify public expenditures or transfer to
19 the medical assistance appropriation an amount equal
20 to provide the nonfederal share for increased medical
21 assistance payments for inpatient and outpatient
22 hospital services of \$9,900,000. The university of
23 Iowa hospitals and clinics shall receive and retain 100
24 percent of the total increase in medical assistance
25 payments.
26 13. Of the funds appropriated in this section,
27 up to \$4,480,304 may be transferred to the IowaCare
28 account created in section 249J.24.
29 14. Of the funds appropriated in this section,
30 \$200,000 shall be used for the Iowa chronic care
31 consortium pursuant to 2003 Iowa Acts, chapter 112,
32 section 12, as amended by 2003 Iowa Acts, chapter 179,
33 sections 166 and 167.
34 15. One hundred percent of the nonfederal share of
35 payments to area education agencies that are medical
36 assistance providers for medical assistance-covered
37 services provided to medical assistance-covered
38 children, shall be made from the appropriation made in
39 this section.
40 16. Any new or renewed contract entered into by the
41 department with a third party to administer behavioral
42 health services under the medical assistance program
43 shall provide that any interest earned on payments
44 from the state during the state fiscal year shall be
45 remitted to the department and treated as recoveries to
46 offset the costs of the medical assistance program.
47 17. The department shall continue to implement the
48 provisions in 2007 Iowa Acts, chapter 218, section
49 124 and section 126, as amended by 2008 Iowa Acts,
50 chapter 1188, section 55, relating to eligibility for

1 certain persons with disabilities under the medical
2 assistance program in accordance with the federal
3 family opportunity Act.

4 18. A portion of the funds appropriated in this
5 section may be transferred to the appropriation in this
6 division of this Act for medical contracts to be used
7 for administrative activities associated with the money
8 follows the person demonstration project.

9 19. Of the funds appropriated in this section,
10 \$349,011 shall be used for the administration of the
11 health insurance premium payment program, including
12 salaries, support, maintenance, and miscellaneous
13 purposes for the fiscal year beginning July 1, 2012.

14 20. Notwithstanding any provision of law to the
15 contrary, the department of human services shall
16 continue implementation of the amended section 1915(b)
17 waiver and Iowa plan contract for inclusion of remedial
18 services under the Iowa plan contract for the fiscal
19 year beginning July 1, 2012.

20 Sec. 116. MEDICAL CONTRACTS. There is appropriated
21 from the general fund of the state to the department of
22 human services for the fiscal year beginning July 1,
23 2012, and ending June 30, 2013, the following amount,
24 or so much thereof as is necessary, to be used for the
25 purpose designated:

26 For medical contracts:

27 \$ 4,950,267

28 The department of inspections and appeals shall
29 provide all state matching funds for survey and
30 certification activities performed by the department
31 of inspections and appeals. The department of human
32 services is solely responsible for distributing the
33 federal matching funds for such activities.

34 Sec. 117. STATE SUPPLEMENTARY ASSISTANCE.

35 1. There is appropriated from the general fund of
36 the state to the department of human services for the
37 fiscal year beginning July 1, 2012, and ending June 30,
38 2013, the following amount, or so much thereof as is
39 necessary, to be used for the purpose designated:

40 For the state supplementary assistance program:

41 \$ 14,323,135

42 2. The department shall increase the personal needs
43 allowance for residents of residential care facilities
44 by the same percentage and at the same time as federal
45 supplemental security income and federal social
46 security benefits are increased due to a recognized
47 increase in the cost of living. The department may
48 adopt emergency rules to implement this subsection.

49 3. If during the fiscal year beginning July 1,
50 2012, the department projects that state supplementary

1 assistance expenditures for a calendar year will not
2 meet the federal pass-through requirement specified
3 in Tit. XVI of the federal Social Security Act,
4 section 1618, as codified in 42 U.S.C. § 1382g,
5 the department may take actions including but not
6 limited to increasing the personal needs allowance
7 for residential care facility residents and making
8 programmatic adjustments or upward adjustments of the
9 residential care facility or in-home health-related
10 care reimbursement rates prescribed in this division of
11 this Act to ensure that federal requirements are met.
12 In addition, the department may make other programmatic
13 and rate adjustments necessary to remain within the
14 amount appropriated in this section while ensuring
15 compliance with federal requirements. The department
16 may adopt emergency rules to implement the provisions
17 of this subsection.

18 Sec. 118. CHILDREN'S HEALTH INSURANCE
19 PROGRAM. There is appropriated from the general
20 fund of the state to the department of human services
21 for the fiscal year beginning July 1, 2012, and ending
22 June 30, 2013, the following amount, or so much thereof
23 as is necessary, to be used for the purpose designated:
24 For maintenance of the healthy and well kids in Iowa
25 (hawk-i) program pursuant to chapter 514I, including
26 supplemental dental services, for receipt of federal
27 financial participation under Tit. XXI of the federal
28 Social Security Act, which creates the children's
29 health insurance program:

30 \$ 27,775,579

31 Sec. 119. CHILD CARE ASSISTANCE. There is
32 appropriated from the general fund of the state to
33 the department of human services for the fiscal year
34 beginning July 1, 2012, and ending June 30, 2013, the
35 following amount, or so much thereof as is necessary,
36 to be used for the purpose designated:

37 For child care programs:
38 \$ 46,952,013

39 1. Of the funds appropriated in this section,
40 \$44,088,000 shall be used for state child care
41 assistance in accordance with section 237A.13.

42 2. Nothing in this section shall be construed or
43 is intended as or shall imply a grant of entitlement
44 for services to persons who are eligible for assistance
45 due to an income level consistent with the waiting
46 list requirements of section 237A.13. Any state
47 obligation to provide services pursuant to this section
48 is limited to the extent of the funds appropriated in
49 this section.

50 3. Of the funds appropriated in this section,

1 \$367,585 is allocated for the statewide program for
2 child care resource and referral services under section
3 237A.26. A list of the registered and licensed child
4 care facilities operating in the area served by a
5 child care resource and referral service shall be made
6 available to the families receiving state child care
7 assistance in that area.

8 4. Of the funds appropriated in this section,
9 \$796,428 is allocated for child care quality
10 improvement initiatives including but not limited to
11 the voluntary quality rating system in accordance with
12 section 237A.30.

13 5. The department may use any of the funds
14 appropriated in this section as a match to obtain
15 federal funds for use in expanding child care
16 assistance and related programs. For the purpose of
17 expenditures of state and federal child care funding,
18 funds shall be considered obligated at the time
19 expenditures are projected or are allocated to the
20 department's service areas. Projections shall be based
21 on current and projected caseload growth, current and
22 projected provider rates, staffing requirements for
23 eligibility determination and management of program
24 requirements including data systems management,
25 staffing requirements for administration of the
26 program, contractual and grant obligations and any
27 transfers to other state agencies, and obligations for
28 decategorization or innovation projects.

29 6. A portion of the state match for the federal
30 child care and development block grant shall be
31 provided as necessary to meet federal matching
32 funds requirements through the state general fund
33 appropriation made for child development grants and
34 other programs for at-risk children in section 279.51.

35 7. If a uniform reduction ordered by the governor
36 under section 8.31 or other operation of law,
37 transfer, or federal funding reduction reduces the
38 appropriation made in this section for the fiscal year,
39 the percentage reduction in the amount paid out to or
40 on behalf of the families participating in the state
41 child care assistance program shall be equal to or
42 less than the percentage reduction made for any other
43 purpose payable from the appropriation made in this
44 section and the federal funding relating to it. The
45 percentage reduction to the other allocations made in
46 this section shall be the same as the uniform reduction
47 ordered by the governor or the percentage change of the
48 federal funding reduction, as applicable. If there is
49 an unanticipated increase in federal funding provided
50 for state child care assistance, the entire amount

1 of the increase shall be used for state child care
2 assistance payments. If the appropriations made for
3 purposes of the state child care assistance program for
4 the fiscal year are determined to be insufficient, it
5 is the intent of the general assembly to appropriate
6 sufficient funding for the fiscal year in order to
7 avoid establishment of waiting list requirements.

8 8. Notwithstanding section 8.33, moneys
9 appropriated in this section or received from the
10 federal appropriations made for the purposes of this
11 section that remain unencumbered or unobligated at the
12 close of the fiscal year shall not revert to any fund
13 but shall remain available for expenditure for the
14 purposes designated until the close of the succeeding
15 fiscal year.

16 Sec. 120. JUVENILE INSTITUTIONS. There is
17 appropriated from the general fund of the state to
18 the department of human services for the fiscal year
19 beginning July 1, 2012, and ending June 30, 2013, the
20 following amounts, or so much thereof as is necessary,
21 to be used for the purposes designated:

22 1. For operation of the Iowa juvenile home at
23 Toledo and for salaries, support, maintenance, and
24 miscellaneous purposes, and for not more than the
25 following full-time equivalent positions:
26 \$ 7,019,513
27 FTEs 114.00

28 2. For operation of the state training school at
29 Eldora and for salaries, support, maintenance, and
30 miscellaneous purposes, and for not more than the
31 following full-time equivalent positions:
32 \$ 9,042,875
33 FTEs 164.30

34 Of the funds appropriated in this subsection,
35 \$77,478 shall be used for distribution to licensed
36 classroom teachers at this and other institutions under
37 the control of the department of human services based
38 upon the average student yearly enrollment at each
39 institution as determined by the department.

40 3. A portion of the moneys appropriated in this
41 section shall be used by the state training school and
42 by the Iowa juvenile home for grants for adolescent
43 pregnancy prevention activities at the institutions in
44 the fiscal year beginning July 1, 2012.

45 Sec. 121. CHILD AND FAMILY SERVICES.

46 1. There is appropriated from the general fund of
47 the state to the department of human services for the
48 fiscal year beginning July 1, 2012, and ending June 30,
49 2013, the following amount, or so much thereof as is
50 necessary, to be used for the purpose designated:

1 For child and family services:
2 \$ 69,981,332

3 2. In order to address a reduction of \$5,200,000
4 from the amount allocated under the appropriation made
5 for the purposes of this section in prior years for
6 purposes of juvenile delinquent graduated sanction
7 services, up to \$4,420,000 of the amount of federal
8 temporary assistance for needy families block grant
9 funding appropriated in this division of this Act for
10 child and family services shall be made available for
11 purposes of juvenile delinquent graduated sanction
12 services.

13 3. The department may transfer funds appropriated
14 in this section as necessary to pay the nonfederal
15 costs of services reimbursed under the medical
16 assistance program, state child care assistance
17 program, or the family investment program which are
18 provided to children who would otherwise receive
19 services paid under the appropriation in this section.
20 The department may transfer funds appropriated in this
21 section to the appropriations made in this division
22 of this Act for general administration and for field
23 operations for resources necessary to implement and
24 operate the services funded in this section.

25 4. a. Of the funds appropriated in this section,
26 up to \$25,643,760 is allocated as the statewide
27 expenditure target under section 232.143 for group
28 foster care maintenance and services. If the
29 department projects that such expenditures for the
30 fiscal year will be less than the target amount
31 allocated in this lettered paragraph, the department
32 may reallocate the excess to provide additional
33 funding for shelter care or the child welfare emergency
34 services addressed with the allocation for shelter
35 care.

36 b. If at any time after September 30, 2012,
37 annualization of a service area's current expenditures
38 indicates a service area is at risk of exceeding its
39 group foster care expenditure target under section
40 232.143 by more than 5 percent, the department and
41 juvenile court services shall examine all group
42 foster care placements in that service area in order
43 to identify those which might be appropriate for
44 termination. In addition, any aftercare services
45 believed to be needed for the children whose
46 placements may be terminated shall be identified. The
47 department and juvenile court services shall initiate
48 action to set dispositional review hearings for the
49 placements identified. In such a dispositional review
50 hearing, the juvenile court shall determine whether

1 needed aftercare services are available and whether
2 termination of the placement is in the best interest of
3 the child and the community.

4 5. In accordance with the provisions of section
5 232.188, the department shall continue the child
6 welfare and juvenile justice funding initiative during
7 fiscal year 2012-2013. Of the funds appropriated in
8 this section, \$1,460,090 is allocated specifically
9 for expenditure for fiscal year 2012-2013 through the
10 decategorization service funding pools and governance
11 boards established pursuant to section 232.188.

12 6. A portion of the funds appropriated in this
13 section may be used for emergency family assistance
14 to provide other resources required for a family
15 participating in a family preservation or reunification
16 project or successor project to stay together or to be
17 reunified.

18 7. Notwithstanding section 234.35 or any other
19 provision of law to the contrary, state funding for
20 shelter care and the child welfare emergency services
21 contracting implemented to provide for or prevent the
22 need for shelter care shall be limited to \$6,094,599.
23 The department may execute contracts that result from
24 the department's request for proposal, bid number
25 ACFS-11-114, to provide the range of child welfare
26 emergency services described in the request for
27 proposals, and any subsequent amendments to the request
28 for proposals.

29 8. Federal funds received by the state during
30 the fiscal year beginning July 1, 2012, as the
31 result of the expenditure of state funds appropriated
32 during a previous state fiscal year for a service or
33 activity funded under this section are appropriated
34 to the department to be used as additional funding
35 for services and purposes provided for under this
36 section. Notwithstanding section 8.33, moneys
37 received in accordance with this subsection that remain
38 unencumbered or unobligated at the close of the fiscal
39 year shall not revert to any fund but shall remain
40 available for the purposes designated until the close
41 of the succeeding fiscal year.

42 9. Of the funds appropriated in this section, at
43 least \$3,141,842 shall be used for protective child
44 care assistance.

45 10. a. Of the funds appropriated in this section,
46 up to \$1,753,115 is allocated for the payment of
47 the expenses of court-ordered services provided to
48 juveniles who are under the supervision of juvenile
49 court services, which expenses are a charge upon the
50 state pursuant to section 232.141, subsection 4. Of

1 the amount allocated in this lettered paragraph,
2 up to \$1,322,844 shall be made available to provide
3 school-based supervision of children adjudicated under
4 chapter 232, of which not more than \$12,750 may be used
5 for the purpose of training. A portion of the cost of
6 each school-based liaison officer shall be paid by the
7 school district or other funding source as approved by
8 the chief juvenile court officer.

9 b. Of the funds appropriated in this section, up to
10 \$636,637 is allocated for the payment of the expenses
11 of court-ordered services provided to children who are
12 under the supervision of the department, which expenses
13 are a charge upon the state pursuant to section
14 232.141, subsection 4.

15 c. Notwithstanding section 232.141 or any other
16 provision of law to the contrary, the amounts allocated
17 in this subsection shall be distributed to the
18 judicial districts as determined by the state court
19 administrator and to the department's service areas as
20 determined by the administrator of the department's
21 division of child and family services. The state court
22 administrator and the division administrator shall make
23 the determination of the distribution amounts on or
24 before June 15, 2012.

25 d. Notwithstanding chapter 232 or any other
26 provision of law to the contrary, a district or
27 juvenile court shall not order any service which is
28 a charge upon the state pursuant to section 232.141
29 if there are insufficient court-ordered services
30 funds available in the district court or departmental
31 service area distribution amounts to pay for the
32 service. The chief juvenile court officer and the
33 departmental service area manager shall encourage use
34 of the funds allocated in this subsection such that
35 there are sufficient funds to pay for all court-related
36 services during the entire year. The chief juvenile
37 court officers and departmental service area managers
38 shall attempt to anticipate potential surpluses and
39 shortfalls in the distribution amounts and shall
40 cooperatively request the state court administrator
41 or division administrator to transfer funds between
42 the judicial districts' or departmental service areas'
43 distribution amounts as prudent.

44 e. Notwithstanding any provision of law to the
45 contrary, a district or juvenile court shall not order
46 a county to pay for any service provided to a juvenile
47 pursuant to an order entered under chapter 232 which
48 is a charge upon the state under section 232.141,
49 subsection 4.

50 f. Of the funds allocated in this subsection, not

1 more than \$70,550 may be used by the judicial branch
2 for administration of the requirements under this
3 subsection.

4 g. Of the funds allocated in this subsection,
5 \$14,450 shall be used by the department of human
6 services to support the interstate commission for
7 juveniles in accordance with the interstate compact for
8 juveniles as provided in section 232.173.

9 11. Of the funds appropriated in this section,
10 \$4,609,212 is allocated for juvenile delinquent
11 graduated sanctions services. Any state funds saved as
12 a result of efforts by juvenile court services to earn
13 federal Tit. IV-E match for juvenile court services
14 administration may be used for the juvenile delinquent
15 graduated sanctions services.

16 12. Of the funds appropriated in this section,
17 \$840,042 shall be transferred to the department of
18 public health to be used for the child protection
19 center grant program in accordance with section
20 135.118.

21 13. If the department receives federal approval
22 to implement a waiver under Tit. IV-E of the federal
23 Social Security Act to enable providers to serve
24 children who remain in the children's families and
25 communities, for purposes of eligibility under the
26 medical assistance program, children who participate in
27 the waiver shall be considered to be placed in foster
28 care.

29 14. Of the funds appropriated in this section,
30 \$2,609,357 is allocated for the preparation for adult
31 living program pursuant to section 234.46.

32 15. Of the funds appropriated in this section,
33 \$442,128 shall be used for juvenile drug courts.
34 The amount allocated in this subsection shall be
35 distributed as follows:

36 To the judicial branch for salaries to assist with
37 the operation of juvenile drug court programs operated
38 in the following jurisdictions:

39 a. Marshall county:	
40	\$ 53,302
41 b. Woodbury county:	
42	\$ 106,830
43 c. Polk county:	
44	\$ 166,508
45 d. The third judicial district:	
46	\$ 57,744
47 e. The eighth judicial district:	
48	\$ 57,744

49 16. Of the funds appropriated in this section,
50 \$193,236 shall be used for the public purpose of

1 providing a grant to a nonprofit human services
2 organization providing services to individuals and
3 families in multiple locations in southwest Iowa and
4 Nebraska for support of a project providing immediate,
5 sensitive support and forensic interviews, medical
6 exams, needs assessments, and referrals for victims of
7 child abuse and their nonoffending family members.

8 17. Of the funds appropriated in this section,
9 \$106,752 is allocated for the elevate approach of
10 providing a support network to children placed in
11 foster care.

12 18. Of the funds appropriated in this section,
13 \$171,700 is allocated for use pursuant to section
14 235A.1 for continuation of the initiative to address
15 child sexual abuse implemented pursuant to 2007 Iowa
16 Acts, chapter 218, section 18, subsection 21.

17 19. Of the funds appropriated in this section,
18 \$535,704 is allocated for the community partnership for
19 child protection sites.

20 20. Of the funds appropriated in this section,
21 \$315,563 is allocated for the department's minority
22 youth and family projects under the redesign of the
23 child welfare system.

24 21. Of the funds appropriated in this section,
25 \$1,020,421 is allocated for funding of the state match
26 for the federal substance abuse and mental health
27 services administration (SAMHSA) system of care grant.

28 22. Of the funds appropriated in this section, at
29 least \$125,084 shall be used for the child welfare
30 training academy.

31 23. Of the funds appropriated in this section,
32 \$21,250 shall be used for the public purpose of
33 providing a grant to a child welfare services provider
34 headquartered in a county with a population between
35 205,000 and 215,000 in the latest certified federal
36 census that provides multiple services including but
37 not limited to a psychiatric medical institution for
38 children, shelter, residential treatment, after school
39 programs, school-based programming, and an Asperger's
40 syndrome program, to be used for support services
41 for children with autism spectrum disorder and their
42 families.

43 24. Of the funds appropriated in this section,
44 \$213,183 shall be used for the public purpose of
45 continuing the central Iowa system of care program
46 grant through June 30, 2013.

47 25. Of the funds appropriated in this section,
48 \$136,000 shall be used for the public purpose of
49 continuing the system of care grant in Mason City and
50 Cedar Rapids through June 30, 2013.

1 Sec. 122. ADOPTION SUBSIDY.

2 1. There is appropriated from the general fund of
3 the state to the department of human services for the
4 fiscal year beginning July 1, 2012, and ending June 30,
5 2013, the following amount, or so much thereof as is
6 necessary, to be used for the purpose designated:

7 For adoption subsidy payments and services:
8 \$ 29,662,952

9 2. The department may transfer funds appropriated
10 in this section to the appropriation made in this
11 division of this Act for general administration for
12 costs paid from the appropriation relating to adoption
13 subsidy.

14 3. Federal funds received by the state during the
15 fiscal year beginning July 1, 2012, as the result of
16 the expenditure of state funds during a previous state
17 fiscal year for a service or activity funded under
18 this section are appropriated to the department to
19 be used as additional funding for the services and
20 activities funded under this section. Notwithstanding
21 section 8.33, moneys received in accordance with this
22 subsection that remain unencumbered or unobligated at
23 the close of the fiscal year shall not revert to any
24 fund but shall remain available for expenditure for the
25 purposes designated until the close of the succeeding
26 fiscal year.

27 Sec. 123. JUVENILE DETENTION HOME FUND. Moneys
28 deposited in the juvenile detention home fund
29 created in section 232.142 during the fiscal year
30 beginning July 1, 2012, and ending June 30, 2013, are
31 appropriated to the department of human services for
32 the fiscal year beginning July 1, 2012, and ending
33 June 30, 2013, for distribution of an amount equal
34 to a percentage of the costs of the establishment,
35 improvement, operation, and maintenance of county or
36 multicounty juvenile detention homes in the fiscal
37 year beginning July 1, 2011. Moneys appropriated for
38 distribution in accordance with this section shall be
39 allocated among eligible detention homes, prorated on
40 the basis of an eligible detention home's proportion
41 of the costs of all eligible detention homes in the
42 fiscal year beginning July 1, 2011. The percentage
43 figure shall be determined by the department based on
44 the amount available for distribution for the fund.
45 Notwithstanding section 232.142, subsection 3, the
46 financial aid payable by the state under that provision
47 for the fiscal year beginning July 1, 2012, shall be
48 limited to the amount appropriated for the purposes of
49 this section.

50 Sec. 124. FAMILY SUPPORT SUBSIDY PROGRAM.

1 1. There is appropriated from the general fund of
2 the state to the department of human services for the
3 fiscal year beginning July 1, 2012, and ending June 30,
4 2013, the following amount, or so much thereof as is
5 necessary, to be used for the purpose designated:

6 For the family support subsidy program subject
7 to the enrollment restrictions in section 225C.37,
8 subsection 3:
9 \$ 992,798

10 2. The department shall use at least \$327,675 of
11 the moneys appropriated in this section for the family
12 support center component of the comprehensive family
13 support program under section 225C.47. Not more than
14 \$21,250 of the amount allocated in this subsection
15 shall be used for administrative costs.

16 3. If at any time during the fiscal year, the
17 amount of funding available for the family support
18 subsidy program is reduced from the amount initially
19 used to establish the figure for the number of family
20 members for whom a subsidy is to be provided at any one
21 time during the fiscal year, notwithstanding section
22 225C.38, subsection 2, the department shall revise the
23 figure as necessary to conform to the amount of funding
24 available.

25 Sec. 125. CONNER DECREE. There is appropriated
26 from the general fund of the state to the department of
27 human services for the fiscal year beginning July 1,
28 2012, and ending June 30, 2013, the following amount,
29 or so much thereof as is necessary, to be used for the
30 purpose designated:

31 For building community capacity through the
32 coordination and provision of training opportunities
33 in accordance with the consent decree of Conner v.
34 Branstad, No. 4-86-CV-30871(S.D. Iowa, July 14, 1994):
35 \$ 28,579

36 Sec. 126. MENTAL HEALTH INSTITUTES. There is
37 appropriated from the general fund of the state to
38 the department of human services for the fiscal year
39 beginning July 1, 2012, and ending June 30, 2013, the
40 following amounts, or so much thereof as is necessary,
41 to be used for the purposes designated:

42 1. For the state mental health institute at
43 Cherokee for salaries, support, maintenance, and
44 miscellaneous purposes, and for not more than the
45 following full-time equivalent positions:
46 \$ 4,995,712
47 FTEs 168.50

48 2. For the state mental health institute at
49 Clarinda for salaries, support, maintenance, and
50 miscellaneous purposes, and for not more than the

1 following full-time equivalent positions:
2 \$ 5,449,974
3 FTEs 86.10

4 3. For the state mental health institute at
5 Independence for salaries, support, maintenance, and
6 miscellaneous purposes, and for not more than the
7 following full-time equivalent positions:
8 \$ 8,734,332
9 FTEs 233.00

10 4. For the state mental health institute at Mount
11 Pleasant for salaries, support, maintenance, and
12 miscellaneous purposes, and for not more than the
13 following full-time equivalent positions:
14 \$ 802,675
15 FTEs 91.72

16 Sec. 127. STATE RESOURCE CENTERS.

17 1. There is appropriated from the general fund of
18 the state to the department of human services for the
19 fiscal year beginning July 1, 2012, and ending June 30,
20 2013, the following amounts, or so much thereof as is
21 necessary, to be used for the purposes designated:

22 a. For the state resource center at Glenwood for
23 salaries, support, maintenance, and miscellaneous
24 purposes:
25 \$ 15,816,631

26 b. For the state resource center at Woodward for
27 salaries, support, maintenance, and miscellaneous
28 purposes:
29 \$ 10,952,809

30 2. The department may continue to bill for state
31 resource center services utilizing a scope of services
32 approach used for private providers of ICFMR services,
33 in a manner which does not shift costs between the
34 medical assistance program, counties, or other sources
35 of funding for the state resource centers.

36 3. The state resource centers may expand the
37 time-limited assessment and respite services during the
38 fiscal year.

39 4. If the department's administration and the
40 department of management concur with a finding by a
41 state resource center's superintendent that projected
42 revenues can reasonably be expected to pay the salary
43 and support costs for a new employee position, or
44 that such costs for adding a particular number of new
45 positions for the fiscal year would be less than the
46 overtime costs if new positions would not be added, the
47 superintendent may add the new position or positions.
48 If the vacant positions available to a resource center
49 do not include the position classification desired to
50 be filled, the state resource center's superintendent

1 may reclassify any vacant position as necessary to
2 fill the desired position. The superintendents of the
3 state resource centers may, by mutual agreement, pool
4 vacant positions and position classifications during
5 the course of the fiscal year in order to assist one
6 another in filling necessary positions.

7 5. If existing capacity limitations are reached
8 in operating units, a waiting list is in effect
9 for a service or a special need for which a payment
10 source or other funding is available for the service
11 or to address the special need, and facilities for
12 the service or to address the special need can be
13 provided within the available payment source or other
14 funding, the superintendent of a state resource center
15 may authorize opening not more than two units or
16 other facilities and begin implementing the service
17 or addressing the special need during fiscal year
18 2012-2013.

19 Sec. 128. MI/MR/DD STATE CASES.

20 1. There is appropriated from the general fund of
21 the state to the department of human services for the
22 fiscal year beginning July 1, 2012, and ending June 30,
23 2013, the following amount, or so much thereof as is
24 necessary, to be used for the purpose designated:

25 For distribution to counties for state case services
26 for persons with mental illness, mental retardation,
27 and developmental disabilities in accordance with
28 section 331.440:

29 \$ 10,344,060

30 2. For the fiscal year beginning July 1, 2012,
31 and ending June 30, 2013, \$170,000 is allocated for
32 state case services from the amounts appropriated from
33 the fund created in section 8.41 to the department
34 of human services from the funds received from the
35 federal government under 42 U.S.C. ch. 6A, subch. XVII,
36 relating to the community mental health center block
37 grant, for the federal fiscal years beginning October
38 1, 2010, and ending September 30, 2011, beginning
39 October 1, 2011, and ending September 30, 2012, and
40 beginning October 1, 2012, and ending September 30,
41 2013. The allocation made in this subsection shall be
42 made prior to any other distribution allocation of the
43 appropriated federal funds.

44 3. Notwithstanding section 8.33, moneys
45 appropriated in this section that remain unencumbered
46 or unobligated at the close of the fiscal year shall
47 not revert but shall remain available for expenditure
48 for the purposes designated until the close of the
49 succeeding fiscal year.

50 Sec. 129. MENTAL HEALTH AND DEVELOPMENTAL

1 DISABILITIES — COMMUNITY SERVICES FUND. There is
2 appropriated from the general fund of the state to the
3 mental health and developmental disabilities community
4 services fund created in section 225C.7 for the fiscal
5 year beginning July 1, 2012, and ending June 30,
6 2013, the following amount, or so much thereof as is
7 necessary, to be used for the purpose designated:
8 For mental health and developmental disabilities
9 community services in accordance with this division of
10 this Act:
11 \$ 14,211,100
12 1. Of the funds appropriated in this section,
13 \$14,187,556 shall be allocated to counties for funding
14 of community-based mental health and developmental
15 disabilities services. The moneys shall be allocated
16 to a county as follows:
17 a. Fifty percent based upon the county's proportion
18 of the state's population of persons with an annual
19 income which is equal to or less than the poverty
20 guideline established by the federal office of
21 management and budget.
22 b. Fifty percent based upon the county's proportion
23 of the state's general population.
24 2. a. A county shall utilize the funding the
25 county receives pursuant to subsection 1 for services
26 provided to persons with a disability, as defined in
27 section 225C.2. However, no more than 50 percent of
28 the funding shall be used for services provided to any
29 one of the service populations.
30 b. A county shall use at least 50 percent of
31 the funding the county receives under subsection 1
32 for contemporary services provided to persons with
33 a disability, as described in rules adopted by the
34 department.
35 3. Of the funds appropriated in this section,
36 \$20,012 shall be used to support the Iowa compass
37 program providing computerized information and referral
38 services for Iowans with disabilities and their
39 families.
40 4. a. Funding appropriated for purposes of the
41 federal social services block grant is allocated for
42 distribution to counties for local purchase of services
43 for persons with mental illness or mental retardation
44 or other developmental disability.
45 b. The funds allocated in this subsection shall be
46 expended by counties in accordance with the county's
47 county management plan approved by the board of
48 supervisors. A county without an approved county
49 management plan shall not receive allocated funds until
50 the county's management plan is approved.

1 c. The funds provided by this subsection shall be
2 allocated to each county as follows:

3 (1) Fifty percent based upon the county's
4 proportion of the state's population of persons with
5 an annual income which is equal to or less than the
6 poverty guideline established by the federal office of
7 management and budget.

8 (2) Fifty percent based upon the amount provided
9 to the county for local purchase of services in the
10 preceding fiscal year.

11 5. A county is eligible for funds under this
12 section if the county qualifies for a state payment as
13 described in section 331.439.

14 6. The most recent population estimates issued by
15 the United States bureau of the census shall be applied
16 for the population factors utilized in this section.

17 Sec. 130. SEXUALLY VIOLENT PREDATORS.

18 1. There is appropriated from the general fund of
19 the state to the department of human services for the
20 fiscal year beginning July 1, 2012, and ending June 30,
21 2013, the following amount, or so much thereof as is
22 necessary, to be used for the purpose designated:

23 For costs associated with the commitment and
24 treatment of sexually violent predators in the unit
25 located at the state mental health institute at
26 Cherokee, including costs of legal services and
27 other associated costs, including salaries, support,
28 maintenance, and miscellaneous purposes, and for not
29 more than the following full-time equivalent positions:
30 \$ 6,418,118
31 FTEs 89.50

32 2. Unless specifically prohibited by law, if the
33 amount charged provides for recoupment of at least
34 the entire amount of direct and indirect costs, the
35 department of human services may contract with other
36 states to provide care and treatment of persons placed
37 by the other states at the unit for sexually violent
38 predators at Cherokee. The moneys received under such
39 a contract shall be considered to be repayment receipts
40 and used for the purposes of the appropriation made in
41 this section.

42 Sec. 131. FIELD OPERATIONS. There is appropriated
43 from the general fund of the state to the department of
44 human services for the fiscal year beginning July 1,
45 2012, and ending June 30, 2013, the following amount,
46 or so much thereof as is necessary, to be used for the
47 purposes designated:

48 For field operations, including salaries, support,
49 maintenance, and miscellaneous purposes, and for not
50 more than the following full-time equivalent positions:

1 \$ 47,038,933
2 FTEs 1,781.00

3 Priority in filling full-time equivalent positions
4 shall be given to those positions related to child
5 protection services and eligibility determination for
6 low-income families.

7 Sec. 132. GENERAL ADMINISTRATION. There is
8 appropriated from the general fund of the state to
9 the department of human services for the fiscal year
10 beginning July 1, 2012, and ending June 30, 2013, the
11 following amount, or so much thereof as is necessary,
12 to be used for the purpose designated:

13 For general administration, including salaries,
14 support, maintenance, and miscellaneous purposes, and
15 for not more than the following full-time equivalent
16 positions:

17 \$ 12,874,733
18 FTEs 290.00

19 1. Of the funds appropriated in this section,
20 \$32,762 allocated for the prevention of disabilities
21 policy council established in section 225B.3.

22 2. The department shall report at least monthly
23 to the legislative services agency concerning the
24 department's operational and program expenditures.

25 3. Of the funds appropriated in this section,
26 \$112,455 shall be used to continue to contract with
27 a statewide association representing community
28 providers of mental health, mental retardation and
29 brain injury services programs to provide technical
30 assistance, support, and consultation to providers of
31 habilitation services and home and community-based
32 waiver services for adults with disabilities under the
33 medical assistance program. Notwithstanding section
34 8.47 or any other provision of law to the contrary,
35 the department may utilize a sole source approach to
36 contract with the association.

37 4. Of the funds appropriated in this section,
38 \$149,940 shall be used to continue to contract with
39 an appropriate entity to expand the provision of
40 nationally accredited and recognized internet-based
41 training to include mental health and disability
42 services providers. Notwithstanding section 8.47
43 or any other provision of law to the contrary, the
44 department may utilize a sole site source approach to
45 enter into such contract.

46 5. Of the funds appropriated in this section,
47 \$425,000 shall be used for continued implementation of
48 child protection system improvements addressed in 2011
49 Iowa Acts, House File 562, as enacted.

50 Sec. 133. VOLUNTEERS. There is appropriated from

1 the general fund of the state to the department of
2 human services for the fiscal year beginning July 1,
3 2012, and ending June 30, 2013, the following amount,
4 or so much thereof as is necessary, to be used for the
5 purpose designated:

6 For development and coordination of volunteer
7 services:

8 \$ 71,961

9 Sec. 134. MEDICAL ASSISTANCE, STATE SUPPLEMENTARY
10 ASSISTANCE, AND SOCIAL SERVICE PROVIDERS REIMBURSED
11 UNDER THE DEPARTMENT OF HUMAN SERVICES.

12 1. a. (1) For the fiscal year beginning July 1,
13 2012, the total state funding amount for the nursing
14 facility budget shall not exceed \$225,502,551.

15 (2) The department, in cooperation with nursing
16 facility representatives, shall review projections for
17 state funding expenditures for reimbursement of nursing
18 facilities on a quarterly basis and the department
19 shall determine if an adjustment to the medical
20 assistance reimbursement rate is necessary in order to
21 provide reimbursement within the state funding amount
22 for the fiscal year. Notwithstanding 2001 Iowa Acts,
23 chapter 192, section 4, subsection 2, paragraph "c",
24 and subsection 3, paragraph "a", subparagraph (2), if
25 the state funding expenditures for the nursing facility
26 budget for the fiscal year is projected to exceed the
27 amount specified in subparagraph (1), the department
28 shall adjust the reimbursement for nursing facilities
29 reimbursed under the case-mix reimbursement system to
30 maintain expenditures of the nursing facility budget
31 within the specified amount for the fiscal year.

32 (3) For the fiscal year beginning July 1, 2012,
33 special population nursing facilities shall be
34 reimbursed in accordance with the methodology in effect
35 on June 30, 2012.

36 b. For the fiscal year beginning July 1, 2012, the
37 department shall reimburse pharmacy dispensing fees
38 using a single rate of \$4.34 per prescription or the
39 pharmacy's usual and customary fee, whichever is lower.
40 However, the department shall adjust the dispensing fee
41 specified in this paragraph to distribute an additional
42 \$3,000,000 in reimbursements for pharmacy dispensing
43 fees under this paragraph for the fiscal year.

44 c. (1) For the fiscal year beginning July 1, 2012,
45 reimbursement rates for outpatient hospital services
46 shall remain at the rates in effect on June 30, 2012.

47 (2) For the fiscal year beginning July 1, 2012,
48 reimbursement rates for inpatient hospital services
49 shall remain at the rates in effect on June 30, 2012.

50 (3) For the fiscal year beginning July 1, 2012,

1 the graduate medical education and disproportionate
2 share hospital fund shall remain at the amount in
3 effect on June 30, 2012, except that the portion of
4 the fund attributable to graduate medical education
5 shall be reduced in an amount that reflects the
6 elimination of graduate medical education payments made
7 to out-of-state hospitals.

8 (4) In order to ensure the efficient use of limited
9 state funds in procuring health care services for
10 low-income Iowans, funds appropriated in this division
11 of this Act for hospital services shall not be used for
12 activities which would be excluded from a determination
13 of reasonable costs under the federal Medicare program
14 pursuant to 42 U.S.C. § 1395X(v)(1)(N).

15 d. For the fiscal year beginning July 1, 2012,
16 reimbursement rates for rural health clinics, hospices,
17 and acute mental hospitals shall be increased in
18 accordance with increases under the federal Medicare
19 program or as supported by their Medicare audited
20 costs.

21 e. For the fiscal year beginning July 1, 2012,
22 independent laboratories and rehabilitation agencies
23 shall be reimbursed using the same methodology in
24 effect on June 30, 2012.

25 f. For the fiscal year beginning July 1, 2012,
26 reimbursement rates for home health agencies shall
27 remain at the rates in effect on June 30, 2012, not to
28 exceed a home health agency's actual allowable cost.

29 g. For the fiscal year beginning July 1, 2012,
30 federally qualified health centers shall receive
31 cost-based reimbursement for 100 percent of the
32 reasonable costs for the provision of services to
33 recipients of medical assistance.

34 h. For the fiscal year beginning July 1, 2012, the
35 reimbursement rates for dental services shall remain at
36 the rates in effect on June 30, 2012.

37 i. (1) For the fiscal year beginning July 1,
38 2012, state-owned psychiatric medical institutions
39 for children shall receive cost-based reimbursement
40 for 100 percent of the actual and allowable costs for
41 the provision of services to recipients of medical
42 assistance.

43 (2) For the nonstate-owned psychiatric medical
44 institutions for children, reimbursement rates shall
45 be based on the reimbursement methodology developed by
46 the department in consultation with representatives of
47 the nonstate-owned psychiatric medical institutions
48 for children to include all ancillary medical services
49 costs and any other changes required for federal
50 compliance.

1 j. For the fiscal year beginning July 1, 2012,
2 unless otherwise specified in the health and human
3 services divisions of this Act, all noninstitutional
4 medical assistance provider reimbursement rates shall
5 remain at the rates in effect on June 30, 2012, except
6 for area education agencies, local education agencies,
7 infant and toddler services providers, and those
8 providers whose rates are required to be determined
9 pursuant to section 249A.20.

10 k. Notwithstanding any provision to the contrary,
11 for the fiscal year beginning July 1, 2012, the
12 reimbursement rate for anesthesiologists shall remain
13 at the rate in effect on June 30, 2012.

14 l. Notwithstanding section 249A.20, for the fiscal
15 year beginning July 1, 2012, the average reimbursement
16 rate for health care providers eligible for use of the
17 federal Medicare resource-based relative value scale
18 reimbursement methodology under that section shall
19 remain at the rate in effect on June 30, 2012; however,
20 this rate shall not exceed the maximum level authorized
21 by the federal government.

22 m. For the fiscal year beginning July 1, 2012, the
23 reimbursement rate for residential care facilities
24 shall not be less than the minimum payment level as
25 established by the federal government to meet the
26 federally mandated maintenance of effort requirement.
27 The flat reimbursement rate for facilities electing not
28 to file annual cost reports shall not be less than the
29 minimum payment level as established by the federal
30 government to meet the federally mandated maintenance
31 of effort requirement.

32 n. For the fiscal year beginning July 1, 2012,
33 inpatient mental health services provided at hospitals
34 shall remain at the rates in effect on June 30, 2012,
35 subject to Medicaid program upper payment limit rules;
36 community mental health centers and providers of mental
37 health services to county residents pursuant to a
38 waiver approved under section 225C.7, subsection 3,
39 shall be reimbursed at 100 percent of the reasonable
40 costs for the provision of services to recipients
41 of medical assistance; and psychiatrists shall be
42 reimbursed at the medical assistance program fee for
43 service rate.

44 o. For the fiscal year beginning July 1, 2012, the
45 reimbursement rate for consumer-directed attendant care
46 shall remain at the rates in effect on June 30, 2012.

47 p. For the fiscal year beginning July 1, 2012, the
48 reimbursement rate for providers of family planning
49 services that are eligible to receive a 90 percent
50 federal match shall remain at the rates in effect on

1 June 30, 2012.

2 g. For the fiscal year beginning July 1, 2012, the
3 department shall adjust the rates in effect on June
4 30, 2012, for providers of home and community-based
5 services waiver services to distribute an additional
6 \$1,500,000 in reimbursements to such providers for the
7 fiscal year.

8 2. For the fiscal year beginning July 1, 2012, the
9 reimbursement rate for providers reimbursed under the
10 in-home-related care program shall not be less than the
11 minimum payment level as established by the federal
12 government to meet the federally mandated maintenance
13 of effort requirement.

14 3. Unless otherwise directed in this section, when
15 the department's reimbursement methodology for any
16 provider reimbursed in accordance with this section
17 includes an inflation factor, this factor shall not
18 exceed the amount by which the consumer price index for
19 all urban consumers increased during the calendar year
20 ending December 31, 2002.

21 4. For the fiscal year beginning July 1, 2012,
22 notwithstanding section 234.38, the foster family basic
23 daily maintenance rate and the maximum adoption subsidy
24 rate for children ages 0 through 5 years shall be
25 \$15.74, the rate for children ages 6 through 11 years
26 shall be \$16.37, the rate for children ages 12 through
27 15 years shall be \$17.92, and the rate for children
28 and young adults ages 16 and older shall be \$18.16.
29 The maximum supervised apartment living foster care
30 reimbursement rate shall be \$25.00 per day. For youth
31 ages 18 to 21 who have exited foster care, the maximum
32 preparation for adult living program maintenance rate
33 shall be \$574.00 per month. The maximum payment for
34 adoption subsidy nonrecurring expenses shall be limited
35 to \$500 and the disallowance of additional amounts
36 for court costs and other related legal expenses
37 implemented pursuant to 2010 Iowa Acts, chapter 1031,
38 section 408 shall be continued.

39 5. For the fiscal year beginning July 1, 2012,
40 the maximum reimbursement rates under the supervised
41 apartment living program and for social services
42 providers under contract shall remain at the rates
43 in effect on June 30, 2012, or the provider's actual
44 and allowable cost plus inflation for each service,
45 whichever is less. However, if a new service or
46 service provider is added after June 30, 2012, the
47 initial reimbursement rate for the service or provider
48 shall be based upon actual and allowable costs.
49 Providers may also be eligible for an additional
50 amount as specified under the department's request for

1 proposal, bid number ACFS-11-115.
2 6. For the fiscal year beginning July 1, 2012,
3 the reimbursement rates for family-centered service
4 providers, family foster care service providers, group
5 foster care service providers, and the resource family
6 recruitment and retention contractor shall remain at
7 the rates in effect on June 30, 2012.
8 7. The group foster care reimbursement rates
9 paid for placement of children out of state shall
10 be calculated according to the same rate-setting
11 principles as those used for in-state providers,
12 unless the director of human services or the director's
13 designee determines that appropriate care cannot be
14 provided within the state. The payment of the daily
15 rate shall be based on the number of days in the
16 calendar month in which service is provided.
17 8. a. For the fiscal year beginning July 1, 2012,
18 the reimbursement rate paid for shelter care and
19 the child welfare emergency services implemented to
20 provide or prevent the need for shelter care shall be
21 established in a contract based on the requirements
22 of the department's request for proposal, bid number
23 ACFS-11-114.
24 b. For the fiscal year beginning July 1, 2012,
25 the combined service and maintenance components of
26 the reimbursement rate paid for shelter care services
27 shall be based on the financial and statistical report
28 submitted to the department. The maximum reimbursement
29 rate shall be \$92.36 per day. The department shall
30 reimburse a shelter care provider at the provider's
31 actual and allowable unit cost, plus inflation, not to
32 exceed the maximum reimbursement rate.
33 c. Notwithstanding section 232.141, subsection 8,
34 for the fiscal year beginning July 1, 2012, the amount
35 of the statewide average of the actual and allowable
36 rates for reimbursement of juvenile shelter care homes
37 that is utilized for the limitation on recovery of
38 unpaid costs shall remain at the amount in effect for
39 this purpose in the fiscal year beginning July 1, 2011.
40 9. For the fiscal year beginning July 1, 2012, the
41 department shall calculate reimbursement rates for
42 intermediate care facilities for persons with mental
43 retardation at the 80th percentile. Beginning July 1,
44 2012, the rate calculation methodology shall utilize
45 the consumer price index inflation factor applicable to
46 the fiscal year beginning July 1, 2012.
47 10. For the fiscal year beginning July 1, 2012,
48 for child care providers reimbursed under the state
49 child care assistance program, the department shall
50 set provider reimbursement rates based on the rate

1 reimbursement survey completed in December 2004.
2 Effective July 1, 2012, the child care provider
3 reimbursement rates shall remain at the rates in effect
4 on June 30, 2012. The department shall set rates in a
5 manner so as to provide incentives for a nonregistered
6 provider to become registered by applying the increase
7 only to registered and licensed providers.

8 11. The department may adopt emergency rules to
9 implement this section.

10 Sec. 135. EMERGENCY RULES.

11 1. If specifically authorized by a provision of
12 this division of this Act, the department of human
13 services or the mental health, and disability services
14 commission may adopt administrative rules under section
15 17A.4, subsection 3, and section 17A.5, subsection
16 2, paragraph "b", to implement the provisions and
17 the rules shall become effective immediately upon
18 filing or on a later effective date specified in the
19 rules, unless the effective date is delayed by the
20 administrative rules review committee. Any rules
21 adopted in accordance with this section shall not
22 take effect before the rules are reviewed by the
23 administrative rules review committee. The delay
24 authority provided to the administrative rules review
25 committee under section 17A.4, subsection 7, and
26 section 17A.8, subsection 9, shall be applicable to a
27 delay imposed under this section, notwithstanding a
28 provision in those sections making them inapplicable
29 to section 17A.5, subsection 2, paragraph "b". Any
30 rules adopted in accordance with the provisions of this
31 section shall also be published as notice of intended
32 action as provided in section 17A.4.

33 2. If during the fiscal year beginning July 1,
34 2012, the department of human services is adopting
35 rules in accordance with this section or as otherwise
36 directed or authorized by state law, and the rules will
37 result in an expenditure increase beyond the amount
38 anticipated in the budget process or if the expenditure
39 was not addressed in the budget process for the
40 fiscal year, the department shall notify the persons
41 designated by this division of this Act for submission
42 of reports, the chairpersons and ranking members of
43 the committees on appropriations, and the department
44 of management concerning the rules and the expenditure
45 increase. The notification shall be provided at least
46 30 calendar days prior to the date notice of the rules
47 is submitted to the administrative rules coordinator
48 and the administrative code editor.

49 Sec. 136. FEDERAL GRANTS REPORTING. During the
50 fiscal year beginning July 1, 2012, the departments

1 and agencies receiving an appropriation in the health
2 and human services divisions of this Act from the
3 general fund of the state shall report to the persons
4 designated by this division of this Act for submission
5 of reports and the department of management within 60
6 calendar days of applying for or renewing a federal
7 grant with a value over \$1,000. The report shall list
8 the federal funding source and address the potential
9 need for the commitment of state funding in order to
10 match or continue the funding provided by the federal
11 grant in the present or the future.

12 Sec. 137. REPORTS. Any reports or information
13 required to be compiled and submitted under the health
14 and human services divisions of this Act shall be
15 submitted to the chairpersons and ranking members of
16 the joint appropriations subcommittee on health and
17 human services, the legislative services agency, and
18 the legislative caucus staffs on or before the dates
19 specified for submission of the reports or information.

20 Sec. 138. EFFECTIVE DATE. The following provision
21 of this division of this Act, being deemed of immediate
22 importance, take effect upon enactment:

23 The provision under the appropriation for child and
24 family services, relating to requirements of section
25 232.143 for representatives of the department of human
26 services and juvenile court services to establish a
27 plan for continuing group foster care expenditures for
28 fiscal year 2012-2013.

29 DIVISION XVII
30 HEALTH AND HUMAN SERVICES
31 PHARMACEUTICAL SETTLEMENT ACCOUNT,
32 IOWACARE ACCOUNT, NONPARTICIPATING PROVIDER
33 REIMBURSEMENT FUND, HEALTH CARE
34 TRANSFORMATION ACCOUNT, MEDICAID FRAUD ACCOUNT,
35 QUALITY ASSURANCE TRUST FUND,
36 AND HOSPITAL HEALTH CARE ACCESS TRUST FUND — FY
37 2012-2013

38 Sec. 139. PHARMACEUTICAL SETTLEMENT ACCOUNT. There
39 is appropriated from the pharmaceutical settlement
40 account created in section 249A.33 to the department of
41 human services for the fiscal year beginning July 1,
42 2012, and ending June 30, 2013, the following amount,
43 or so much thereof as is necessary, to be used for the
44 purpose designated:

45 Notwithstanding any provision of law to the
46 contrary, to supplement the appropriations made in the
47 department of human services division in this Act for
48 medical contracts under the medical assistance program
49 for the same fiscal year:

50 \$ 4,618,571

1 Sec. 140. APPROPRIATIONS FROM IOWACARE ACCOUNT.

2 1. There is appropriated from the IowaCare account
3 created in section 249J.24 to the state board of
4 regents for distribution to the university of Iowa
5 hospitals and clinics for the fiscal year beginning
6 July 1, 2012, and ending June 30, 2013, the following
7 amount, or so much thereof as is necessary, to be used
8 for the purposes designated:

9 For salaries, support, maintenance, equipment, and
10 miscellaneous purposes, for the provision of medical
11 and surgical treatment of indigent patients, for
12 provision of services to members of the expansion
13 population pursuant to chapter 249J, and for medical
14 education:

15 \$ 27,284,584

16 a. Funds appropriated in this subsection shall
17 not be used to perform abortions except medically
18 necessary abortions, and shall not be used to operate
19 the early termination of pregnancy clinic except for
20 the performance of medically necessary abortions. For
21 the purpose of this subsection, medically necessary
22 abortions are those performed under any of the
23 following conditions:

24 (1) The attending physician certifies that
25 continuing the pregnancy would endanger the life of the
26 pregnant woman.

27 (2) Any spontaneous abortion, commonly known as a
28 miscarriage, if not all of the products of conception
29 are expelled.

30 b. Notwithstanding any provision of law to the
31 contrary, the amount appropriated in this subsection
32 shall be distributed based on claims submitted,
33 adjudicated, and paid by the Iowa Medicaid enterprise.

34 c. The university of Iowa hospitals and clinics
35 shall certify public expenditures in an amount equal
36 to provide the nonfederal share on total expenditures
37 not to exceed \$20,000,000.

38 2. There is appropriated from the IowaCare account
39 created in section 249J.24 to the state board of
40 regents for distribution to the university of Iowa
41 hospitals and clinics for the fiscal year beginning
42 July 1, 2012, and ending June 30, 2013, the following
43 amount, or so much thereof as is necessary, to be used
44 for the purposes designated:

45 For salaries, support, maintenance, equipment, and
46 miscellaneous purposes, for the provision of medical
47 and surgical treatment of indigent patients, for
48 provision of services to members of the expansion
49 population pursuant to chapter 249J, and for medical
50 education:

1 \$ 44,226,279

2 Notwithstanding any provision of law to the
3 contrary, the amount appropriated in this subsection
4 shall be distributed based on claims submitted,
5 adjudicated, and paid by the Iowa Medicaid enterprise.

6 3. There is appropriated from the IowaCare account
7 created in section 249J.24, to the state board
8 of regents for distribution to university of Iowa
9 physicians for the fiscal year beginning July 1, 2012,
10 and ending June 30, 2013, the following amount, or
11 so much thereof as is necessary to be used for the
12 purposes designated:

13 For salaries, support, maintenance, equipment, and
14 miscellaneous purposes for the provision of medical and
15 surgical treatment of indigent patients, for provision
16 of services to members of the expansion population
17 pursuant to chapter 249J, and for medical education:

18 \$ 16,277,753

19 Notwithstanding any provision of law to the
20 contrary, the amount appropriated in this subsection
21 shall be distributed based on claims submitted,
22 adjudicated, and paid by the Iowa Medicaid enterprise.
23 Once the entire amount appropriated in this subsection
24 has been distributed, claims shall continue to
25 be submitted and adjudicated by the Iowa Medicaid
26 enterprise; however, no payment shall be made based
27 upon such claims.

28 4. There is appropriated from the IowaCare account
29 created in section 249J.24 to the department of human
30 services for the fiscal year beginning July 1, 2012,
31 and ending June 30, 2013, the following amount, or
32 so much thereof as is necessary, to be used for the
33 purposes designated:

34 For distribution to a publicly owned acute care
35 teaching hospital located in a county with a population
36 over 350,000 for the provision of medical and surgical
37 treatment of indigent patients, for provision of
38 services to members of the expansion population
39 pursuant to chapter 249J, and for medical education:

40 \$ 65,000,000

41 a. Notwithstanding any provision of law to the
42 contrary, the amount appropriated in this subsection
43 shall be distributed based on claims submitted,
44 adjudicated, and paid by the Iowa Medicaid enterprise
45 plus a monthly disproportionate share hospital payment.
46 Any amount appropriated in this subsection in excess
47 of \$60,000,000 shall be distributed only if the sum of
48 the expansion population claims adjudicated and paid
49 by the Iowa Medicaid enterprise plus the estimated
50 disproportionate share hospital payments exceeds

1 \$60,000,000. The amount paid in excess of \$60,000,000
2 shall not adjust the original monthly payment amount
3 but shall be distributed monthly based on actual
4 claims adjudicated and paid by the Iowa Medicaid
5 enterprise plus the estimated disproportionate share
6 hospital amount. Any amount appropriated in this
7 subsection in excess of \$60,000,000 shall be allocated
8 only if federal funds are available to match the
9 amount allocated. Pursuant to paragraph "b", of the
10 amount appropriated in this subsection, not more than
11 \$4,000,000 shall be distributed for prescription drugs
12 and podiatry services.

13 b. Notwithstanding any provision of law to the
14 contrary, the hospital identified in this subsection,
15 shall be reimbursed for outpatient prescription drugs
16 and podiatry services provided to members of the
17 expansion population pursuant to all applicable medical
18 assistance program rules, in an amount not to exceed
19 \$4,000,000.

20 c. Notwithstanding the total amount of proceeds
21 distributed pursuant to section 249J.24, subsection 4,
22 paragraph "a", unnumbered paragraph 1, for the fiscal
23 year beginning July 1, 2012, and ending June 30, 2013,
24 the county treasurer of a county with a population
25 of over 350,000 in which a publicly owned acute care
26 teaching hospital is located shall distribute the
27 proceeds collected pursuant to section 347.7 in a
28 total amount of \$38,000,000, which would otherwise be
29 distributed to the county hospital, to the treasurer of
30 state for deposit in the IowaCare account.

31 d. (1) Notwithstanding the amount collected
32 and distributed for deposit in the IowaCare account
33 pursuant to section 249J.24, subsection 4, paragraph
34 "a", subparagraph (1), the first \$19,000,000 in
35 proceeds collected pursuant to section 347.7 between
36 July 1, 2012, and December 31, 2012, shall be
37 distributed to the treasurer of state for deposit in
38 the IowaCare account and collections during this time
39 period in excess of \$19,000,000 shall be distributed
40 to the acute care teaching hospital identified in
41 this subsection. Of the collections in excess of
42 the \$19,000,000 received by the acute care teaching
43 hospital under this subparagraph (1), \$2,000,000 shall
44 be distributed by the acute care teaching hospital to
45 the treasurer of state for deposit in the IowaCare
46 account in the month of January 2013, following the
47 July 1 through December 31, 2012, period.

48 (2) Notwithstanding the amount collected and
49 distributed for deposit in the IowaCare account
50 pursuant to section 249J.24, subsection 4, paragraph

1 "a", subparagraph (2), the first \$19,000,000 in
2 collections pursuant to section 347.7 between January
3 1, 2013, and June 30, 2013, shall be distributed to
4 the treasurer of state for deposit in the IowaCare
5 account and collections during this time period in
6 excess of \$19,000,000 shall be distributed to the acute
7 care teaching hospital identified in this subsection.
8 Of the collections in excess of the \$19,000,000
9 received by the acute care teaching hospital under this
10 subparagraph (2), \$2,000,000 shall be distributed by
11 the acute care teaching hospital to the treasurer of
12 state for deposit in the IowaCare account in the month
13 of July 2013, following the January 1 through June 30,
14 2013, period.

15 5. There is appropriated from the IowaCare account
16 created in section 249J.24 to the department of human
17 services for the fiscal year beginning July 1, 2012,
18 and ending June 30, 2013, the following amount, or so
19 much thereof as is necessary to be used for the purpose
20 designated:

21 For payment to the regional provider network
22 specified by the department pursuant to section 249J.7
23 for provision of covered services to members of the
24 expansion population pursuant to chapter 249J:
25 \$ 3,472,176

26 Notwithstanding any provision of law to the
27 contrary, the amount appropriated in this subsection
28 shall be distributed based on claims submitted,
29 adjudicated, and paid by the Iowa Medicaid enterprise.
30 Once the entire amount appropriated in this subsection
31 has been distributed, claims shall continue to
32 be submitted and adjudicated by the Iowa Medicaid
33 enterprise; however, no payment shall be made based
34 upon such claims.

35 6. There is appropriated from the IowaCare account
36 created in section 249J.24 to the department of human
37 services for the fiscal year beginning July 1, 2012,
38 and ending June 30, 2013, the following amount, or
39 so much thereof as is necessary to be used for the
40 purposes designated:

41 For a care coordination pool to pay the expansion
42 population providers consisting of the university of
43 Iowa hospitals and clinics, the publicly owned acute
44 care teaching hospital as specified in section 249J.7,
45 and current medical assistance program providers that
46 are not expansion population network providers pursuant
47 to section 249J.7, for services covered by the full
48 benefit medical assistance program but not under the
49 IowaCare program pursuant to section 249J.6, that are
50 provided to expansion population members:

1 \$ 1,500,000

2 a. Notwithstanding sections 249J.6 and 249J.7,
3 the amount appropriated in this subsection is
4 intended to provide payment for medically necessary
5 services provided to expansion population members for
6 continuation of care provided by the university of
7 Iowa hospitals and clinics or the publicly owned acute
8 care teaching hospital as specified in section 249J.7.
9 Payment may only be made for services that are not
10 otherwise covered under section 249J.6, and which are
11 follow-up services to covered services provided by the
12 hospitals specified in this paragraph "a".

13 b. The funds appropriated in this subsection are
14 intended to provide limited payment for continuity
15 of care services for an expansion population member,
16 and are intended to cover the costs of services
17 to expansion population members, regardless of
18 the member's county of residence or medical home
19 assignment, if the care is related to specialty or
20 hospital services provided by the hospitals specified
21 in paragraph "a".

22 c. The funds appropriated in this subsection are
23 not intended to provide for expanded coverage under
24 the IowaCare program, and shall not be used to cover
25 emergency transportation services.

26 d. The department shall adopt administrative
27 rules pursuant to chapter 17A to establish a prior
28 authorization process and to identify covered services
29 for reimbursement under this subsection.

30 7. There is appropriated from the IowaCare account
31 created in section 249J.24 to the department of human
32 services for the fiscal year beginning July 1, 2012,
33 and ending June 30, 2013, the following amount or
34 so much thereof as is necessary to be used for the
35 purposes designated:

36 For a laboratory test and radiology pool for
37 services authorized by a federally qualified health
38 center designated by the department as part of the
39 IowaCare regional provider network that does not have
40 the capability to provide these services on site:
41 \$ 500,000

42 Notwithstanding sections 249J.6 and 249J.7, the
43 amount appropriated in this subsection is intended
44 to provide reimbursement for services provided to
45 expansion population members that have previously
46 been paid for through expenditure by designated
47 regional provider network providers of their own
48 funds, not to expand coverage under the IowaCare
49 program or to expand the expansion population
50 provider network. The department shall designate the

1 laboratory and radiology provider associated with
2 each designated regional provider network provider
3 that may receive reimbursement. The department shall
4 adopt administrative rules pursuant to chapter 17A
5 to establish a prior authorization process and to
6 identify covered services for reimbursement under this
7 subsection. All other medical assistance program
8 payment policies and rules for laboratory and radiology
9 services shall apply to services provided under this
10 subsection. If the entire amount appropriated under
11 this subsection is expended, laboratory tests and
12 radiology services ordered by a designated regional
13 provider network provider shall be the financial
14 responsibility of the regional provider network
15 provider.

16 Sec. 141. APPROPRIATIONS FROM NONPARTICIPATING
17 PROVIDER REIMBURSEMENT FUND — DEPARTMENT OF HUMAN
18 SERVICES. Notwithstanding any provision to the
19 contrary, and subject to the availability of funds,
20 there is appropriated from the nonparticipating
21 provider reimbursement fund created in section 249J.24A
22 to the department of human services for the fiscal year
23 beginning July 1, 2012, and ending June 30, 2013, the
24 following amount or so much thereof as is necessary for
25 the purposes designated:

26 To reimburse nonparticipating providers in
27 accordance with section 249J.24A:

28 \$ 2,000,000

29 Sec. 142. APPROPRIATIONS FROM ACCOUNT FOR HEALTH
30 CARE TRANSFORMATION — DEPARTMENT OF HUMAN SERVICES.
31 Notwithstanding any provision to the contrary, there
32 is appropriated from the account for health care
33 transformation created in section 249J.23 to the
34 department of human services for the fiscal year
35 beginning July 1, 2012, and ending June 30, 2013, the
36 following amounts, or so much thereof as is necessary,
37 to be used for the purposes designated:

38 1. For the provision of an IowaCare nurse helpline
39 for the expansion population as provided in section
40 249J.6:

41 \$ 85,000

42 2. For other health promotion partnership
43 activities pursuant to section 249J.14:

44 \$ 510,000

45 3. For the costs related to audits, performance
46 evaluations, and studies required pursuant to chapter
47 249J:

48 \$ 106,250

49 4. For administrative costs associated with chapter
50 249J:

1 \$ 962,550
2 5. For planning and development, in cooperation
3 with the department of public health, of a phased-in
4 program to provide a dental home for children in
5 accordance with section 249J.14:
6 \$ 850,000
7 6. For continuation of the establishment of the
8 tuition assistance for individuals serving individuals
9 with disabilities pilot program, as enacted in 2008
10 Iowa Acts, chapter 1187, section 130:
11 \$ 42,500
12 7. For medical contracts:
13 \$ 1,700,000
14 8. For payment to the publicly owned acute care
15 teaching hospital located in a county with a population
16 of over 350,000 that is a participating provider
17 pursuant to chapter 249J:
18 \$ 246,500
19 Disbursements under this subsection shall be made
20 monthly. The hospital shall submit a report following
21 the close of the fiscal year regarding use of the
22 funds appropriated in this subsection to the persons
23 specified in this Act to receive reports.
24 9. For transfer to the department of public health
25 to be used for the costs of medical home system
26 advisory council established pursuant to section
27 135.159:
28 \$ 198,353
29 10. For continued implementation of a uniform cost
30 report:
31 \$ 85,000
32 11. For continued implementation of an electronic
33 medical records system:
34 \$ 85,000
35 Notwithstanding section 8.39, subsection 1, without
36 the prior written consent and approval of the governor
37 and the director of the department of management, the
38 director of human services may transfer funds among
39 the appropriations made in this section as necessary
40 to carry out the purposes of the account for health
41 care transformation. The department shall report
42 any transfers made pursuant to this section to the
43 legislative services agency.
44 Sec. 143. MEDICAID FRAUD ACCOUNT — DEPARTMENT OF
45 INSPECTIONS AND APPEALS. There is appropriated from
46 the Medicaid fraud account created in section 249A.7
47 to the department of inspections and appeals for the
48 fiscal year beginning July 1, 2012, and ending June 30,
49 2013, the following amount, or so much thereof as is
50 necessary, to be used for the purposes designated:

1 For the inspection and certification of assisted
2 living programs and adult day care services, including
3 program administration and costs associated with
4 implementation:
5 \$ 1,138,598

6 Sec. 144. MEDICAID FRAUD ACCOUNT — DEPARTMENT
7 OF HUMAN SERVICES. There is appropriated from the
8 Medicaid fraud account created in section 249A.7 to
9 the department of human services for the fiscal year
10 beginning July 1, 2012, and ending June 30, 2013, the
11 following amount, or so much thereof as is necessary,
12 to be used for the purposes designated:
13 To supplement the appropriation made in the
14 department of human services division of this Act
15 from the general fund of the state to the department
16 of human services for medical assistance for the same
17 fiscal year:
18 \$ 2,000,000

19 Sec. 145. QUALITY ASSURANCE TRUST FUND —
20 DEPARTMENT OF HUMAN SERVICES. Notwithstanding
21 any provision to the contrary and subject to the
22 availability of funds, there is appropriated from the
23 quality assurance trust fund created in section 249L.4
24 to the department of human services for the fiscal year
25 beginning July 1, 2012, and ending June 30, 2013, the
26 following amounts, or so much thereof as is necessary
27 for the purposes designated:
28 To supplement the appropriation made in the
29 department of human services division of this Act
30 from the general fund of the state to the department
31 of human services for medical assistance for the same
32 fiscal year:
33 \$ 29,000,000

34 Sec. 146. HOSPITAL HEALTH CARE ACCESS TRUST FUND
35 — DEPARTMENT OF HUMAN SERVICES. Notwithstanding
36 any provision to the contrary and subject to the
37 availability of funds, there is appropriated from
38 the hospital health care access trust fund created in
39 section 249M.4 to the department of human services for
40 the fiscal year beginning July 1, 2012, and ending June
41 30, 2013, the following amounts, or so much thereof as
42 is necessary, for the purposes designated:
43 1. To supplement the appropriation made in the
44 health and human services division of this Act from the
45 general fund of the state to the department of human
46 services for medical assistance:
47 \$ 39,223,800

48 2. For deposit in the nonparticipating provider
49 reimbursement fund created in section 249J.24A to be
50 used for the purposes of the fund:

1 \$ 776,200

2 Sec. 147. MEDICAL ASSISTANCE PROGRAM —
3 NONREVERSION FOR FY 2012-2013. Notwithstanding
4 section 8.33, if moneys appropriated for purposes of
5 the medical assistance program for the fiscal year
6 beginning July 1, 2012, and ending June 30, 2013, in
7 the health and human services divisions of this Act
8 from the general fund of the state, the Medicaid fraud
9 account, the quality assurance trust fund, and the
10 hospital health care access trust fund, are in excess
11 of actual expenditures for the medical assistance
12 program and remain unencumbered or unobligated at the
13 close of the fiscal year, the excess moneys shall not
14 revert but shall remain available for expenditure for
15 the purposes of the medical assistance program until
16 the close of the succeeding fiscal year.

17 DIVISION XVIII

18 HEALTH AND HUMAN SERVICES

19 MH/MR/DD SERVICES ALLOWED GROWTH FUNDING FOR FISCAL
20 YEAR 2012-2013

21 Sec. 148. MENTAL HEALTH, MENTAL RETARDATION, AND
22 DEVELOPMENTAL DISABILITIES SERVICES PROPERTY TAX
23 RELIEF. Notwithstanding the standing appropriation
24 in section 426B.1, subsection 2, for the fiscal year
25 beginning July 1, 2012, and ending June 30, 2013,
26 the amount appropriated from the general fund of the
27 state pursuant to that provision shall not exceed the
28 following amount:

29 \$ 81,199,911

30 Sec. 149. ADULT MH/MR/DD SERVICES ALLOWED GROWTH
31 FUNDING — FY 2012-2013.

32 1. There is appropriated from the general fund of
33 the state to the department of human services for the
34 fiscal year beginning July 1, 2012, and ending June 30,
35 2013, the following amount, or so much thereof as is
36 necessary, to be used for the purpose designated:

37 For distribution to counties of the county mental
38 health, mental retardation, and developmental
39 disabilities allowed growth factor adjustment for
40 fiscal year 2012-2013 as provided in this section in
41 lieu of the allowed growth factor provisions of section
42 331.438, subsection 2, and section 331.439, subsection
43 3, and chapter 426B and for transfer for the medical
44 assistance program:

45 \$ 88,697,893

46 Of the amount appropriated in this subsection,
47 \$5,000,000 shall be transferred to the appropriation
48 made in the department of human services division of
49 this Act from the general fund of the state to the
50 department of human services for the medical assistance

1 program for the fiscal year beginning July 1, 2012, and
2 shall be used to continue the funding designated in the
3 previous fiscal year to reduce home and community-based
4 services waiver waiting lists for children's mental
5 health, intellectual disabilities, and brain injury.

6 2. Of the amount appropriated in this section,
7 \$12,000,000 shall be distributed as provided in this
8 subsection.

9 a. To be eligible to receive a distribution under
10 this subsection, a county must meet the following
11 requirements:

12 (1) The county is levying for the maximum amount
13 allowed for the county's mental health, mental
14 retardation, and developmental disabilities services
15 fund under section 331.424A for taxes due and payable
16 in the fiscal year beginning July 1, 2012, or the
17 county is levying for at least 90 percent of the
18 maximum amount allowed for the county's services fund
19 and that levy rate is more than \$2 per \$1,000 of the
20 assessed value of all taxable property in the county.

21 (2) In the fiscal year beginning July 1, 2010,
22 the county's mental health, mental retardation, and
23 developmental disabilities services fund ending balance
24 under generally accepted accounting principles was
25 equal to or less than 15 percent of the county's actual
26 gross expenditures for that fiscal year.

27 b. The amount of a county's distribution from the
28 allocation made in this subsection shall be determined
29 based upon the county's proportion of the general
30 population of the counties eligible to receive a
31 distribution under this subsection. The most recent
32 population estimates issued by the United States
33 bureau of the census shall be applied in determining
34 population for the purposes of this paragraph.

35 c. The distributions made pursuant to this
36 subsection are subject to the distribution provisions
37 and withholding requirements established in this
38 section for the county mental health, mental
39 retardation, and developmental disabilities allowed
40 growth factor adjustment for the fiscal year beginning
41 July 1, 2012.

42 3. The following amount of the funding appropriated
43 in this section is the allowed growth factor adjustment
44 for fiscal year 2012-2013, and shall be credited to the
45 allowed growth funding pool created in the property tax
46 relief fund and for distribution in accordance with
47 section 426B.5, subsection 1:

48 \$ 71,697,893

49 4. The following formula amounts shall be utilized
50 only to calculate preliminary distribution amounts for

1 the allowed growth factor adjustment for fiscal year
2 2012-2013 under this section by applying the indicated
3 formula provisions to the formula amounts and producing
4 a preliminary distribution total for each county:

5 a. For calculation of a distribution amount for
6 eligible counties from the allowed growth funding pool
7 created in the property tax relief fund in accordance
8 with the requirements in section 426B.5, subsection 1:
9 \$ 84,773,346

10 b. For calculation of a distribution amount for
11 counties from the mental health and developmental
12 disabilities (MH/DD) community services fund
13 in accordance with the formula provided in the
14 appropriation made for the MH/DD community services
15 fund for the fiscal year beginning July 1, 2012:
16 \$ 14,187,556

17 5. a. After applying the applicable statutory
18 distribution formulas to the amounts indicated in
19 subsection 4 for purposes of producing preliminary
20 distribution totals, the department of human services
21 shall apply a withholding factor to adjust an eligible
22 individual county's preliminary distribution total.
23 In order to be eligible for a distribution under
24 this section, a county must be levying 90 percent or
25 more of the maximum amount allowed for the county's
26 mental health, mental retardation, and developmental
27 disabilities services fund under section 331.424A for
28 taxes due and payable in the fiscal year for which the
29 distribution is payable.

30 b. An ending balance percentage for each county
31 shall be determined by expressing the county's ending
32 balance on a modified accrual basis under generally
33 accepted accounting principles for the fiscal year
34 beginning July 1, 2010, in the county's mental health,
35 mental retardation, and developmental disabilities
36 services fund created under section 331.424A, as a
37 percentage of the county's gross expenditures from that
38 fund for that fiscal year. If a county borrowed moneys
39 for purposes of providing services from the county's
40 services fund on or before July 1, 2010, and the
41 county's services fund ending balance for that fiscal
42 year includes the loan proceeds or an amount designated
43 in the county budget to service the loan for the
44 borrowed moneys, those amounts shall not be considered
45 to be part of the county's ending balance for purposes
46 of calculating an ending balance percentage under this
47 subsection.

48 c. For purposes of calculating withholding
49 factors and for ending balance amounts used for other
50 purposes under law, the county ending balances shall

1 be adjusted, using forms developed for this purpose
2 by the county finance committee, to disregard the
3 temporary funding increase provided to the counties for
4 the fiscal year through the federal American Recovery
5 and Reinvestment Act of 2009, Pub. L. No. 111-5. In
6 addition, a county may adjust the ending balance amount
7 by rebating to the department all or a portion of
8 the allowed growth and MH/DD services fund moneys the
9 county received for the fiscal year beginning July 1,
10 2011, in accordance with this Act, or from any other
11 services fund moneys available to the county. The
12 rebate must be remitted to the department on or before
13 June 1, 2012, in order to be counted. However, if this
14 division of this Act is enacted after July 1, 2012, the
15 rebate must be remitted not later than 10 calendar days
16 after the date of the governor's approval of this Act.
17 The amount rebated by a county shall be subtracted
18 dollar-for-dollar from the county's ending balance
19 amount for the fiscal year beginning July 1, 2010, for
20 purposes of calculating the withholding factor and
21 for other ending balance purposes for the fiscal year
22 beginning July 1, 2012. The rebates received by the
23 department shall be credited to the property tax relief
24 fund and distributed as additional funding for the
25 fiscal year beginning July 1, 2012, in accordance with
26 the formula provisions in this section.

27 d. The withholding factor for a county shall be the
28 following applicable percent:

29 (1) For an ending balance percentage of less than
30 5 percent, a withholding factor of 0 percent. In
31 addition, a county that is subject to this lettered
32 paragraph shall receive an inflation adjustment equal
33 to 3 percent of the gross expenditures reported for the
34 county's services fund for the fiscal year.

35 (2) For an ending balance percentage of 5 percent
36 or more but less than 10 percent, a withholding factor
37 of 0 percent. In addition, a county that is subject
38 to this lettered paragraph shall receive an inflation
39 adjustment equal to 2 percent of the gross expenditures
40 reported for the county's services fund for the fiscal
41 year.

42 (3) For an ending balance percentage of 10 percent
43 or more but less than 25 percent, a withholding factor
44 of 25 percent. However, for counties with an ending
45 balance of 10 percent or more but less than 15 percent,
46 the amount withheld shall be limited to the amount by
47 which the county's ending balance was in excess of the
48 ending balance percentage of 10 percent.

49 (4) For an ending balance percentage of 25 percent
50 or more, a withholding percentage of 100 percent.

1 6. The total withholding amounts applied pursuant
2 to subsection 5 shall be equal to a withholding target
3 amount of \$13,075,453. If the department of human
4 services determines that the amount appropriated
5 is insufficient or the amount to be withheld in
6 accordance with subsection 5 is not equal to the target
7 withholding amount, the department shall adjust the
8 withholding factors listed in subsection 5 as necessary
9 to achieve the target withholding amount. However, in
10 making such adjustments to the withholding factors,
11 the department shall strive to minimize changes to the
12 withholding factors for those ending balance percentage
13 ranges that are lower than others and shall only adjust
14 the zero withholding factor or the inflation adjustment
15 percentages specified in subsection 5, paragraph "d",
16 when the amount appropriated is insufficient.

17 DIVISION XIX

18 CONDITIONAL RETROACTIVE APPLICABILITY

19 Sec. 150. EFFECTIVE DATE AND RETROACTIVE
20 APPLICABILITY. Unless otherwise provided, this Act,
21 if approved by the governor on or after July 1, 2011,
22 takes effect upon enactment and applies retroactively
23 to July 1, 2011.>

24 _____. Title page, line 3, after <appropriations,> by
25 inserting <providing penalties,>

HEATON of Henry